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THE
BRITISH AND FOREIGN
REVIEW;

OR,

EUROPEAN QUARTERLY JOURNAL.



“ In primisque hominis est propria veri inquisitio atque investigatio.

CICERO, DE OFF.

VOL. V.

JULY—OCTOBER.

1837.

LONDON:
RICHARD AND JOHN EDWARD TAYLOR.

MDCCCXXXVII.

**PRINTED BY RICHARD AND JOHN E. TAYLOR,
RED LION COURT, FLEET STREET.**

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Nº IX.

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THE BRITISH AND FOREIGN REVIEW.

ARTICLE I.

Journal of a Residence in Norway during the Years 1834, 1835, and 1836, made with a view to inquire into the moral and political œconomy of that country, and the condition of its inhabitants. By SAMUEL LAING. Longman and Co., 1836.

SPEAKING generally, our countrymen do not make the most trustworthy of travellers. The reason is, not that they are inaccurate observers, or dishonest recorders of facts, but that they are prone to erect a wrong standard of comparison.

Accustomed to view the institutions, habits and social condition of his own country with feelings not far removed from veneration, to esteem everything which here surrounds him as approaching nearly to perfection, the Briton is apt to measure what he meets with away from home by that which he has left at home; and this may, and in point of fact does, lead him to deal out praise or censure in conformity with what must be deemed, even if he be by chance at times correct, at best but a narrow and arbitrary standard of right and wrong.

In all that relates to forms of government, in all that has reference to our civil and criminal jurisprudence, in everything which may in any way bear upon our commercial and colonial system, and lastly in much that comes within the

category of our social state, the general disposition to measure the laws, customs and institutions of other countries by the British standard is abundantly conspicuous. As far as questions of government, in other words constitutional questions, are concerned, this is not wonderful. England certainly did enjoy the best government in the world. Start not, reader, that we use the *past* tense; we are not about to cast down the apple of discord by asserting that she does not *now* enjoy the best: all that we mean to state is, that there is another competitor for the palm in the western world; and although the British government or constitution, both in point of structure and administration, is unquestionably much better than when it was universally allowed to be the best, still the mere introduction of a competitor into the field, to say nothing of improvement elsewhere, has caused gentlemen who travel to cast about for a new and indisputable standard of comparison.

The only travellers (and we merely mention this incidentally) who seem to have adhered with dogged pertinacity to the old standard, the glorious constitution and our inimitable institutions, are your English travellers in the United States: the consequence is, that an enlightened and unprejudiced account of that surprising country and its energetic people, is still a thing to be desired.

To the class of travellers we have just named Mr. Laing certainly does not belong. His views are more extended,—infinitely more enlightened: he distinctly tells us, in so many words, that the happiness of the people is *his* test of the value of an institution; and not only does he himself never lose sight of his own standard, but he is especially careful to keep it continually under his reader's eye; and this we take to be a (if not the) most valuable feature in this most valuable book. Mr. Laing is in short a practical utilitarian in the true sense of the term.

But it is not merely by adopting and presenting to his readers a just standard of comparison that he proves himself entitled to be received as a trustworthy witness; he possesses other qualifications scarcely inferior in value to that which we have just pointed out. As an observer he is accurate, and even acute, not contenting himself with the mere surface of things,

but carefully examining every phenomenon which presents itself to his notice, for the laudable purpose, as it seems, of clearing away all false colouring.

But besides a power of accurate observation, with a proper rule of judgement, there are other qualifications which seem essentially necessary to the task of presenting a just portraiture of a people. These qualifications Mr. Laing possesses in no mean degree. He is a political philosopher in the most enlarged sense of the term; he has evidently studied the institutions of his own country in a proper, that is a philosophical spirit; and by keeping these continually before his mind, as well to be judged as to aid in judging, he renders his book a present of inestimable value to his countrymen.

That our opinion of Mr. Laing is abundantly justified, will appear from the extracts which we shall offer: in the mean time the reader must take our statement upon trust. Our reason for speaking thus decidedly in the outset is, we candidly admit, to bespeak for our author that degree of attention which the intelligent reader will not be long in admitting he merits.

"Previous travellers in Norway," says Mr. Laing, "have directed their attention to the geology, botany, and sublime scenery which the country presents in the most interesting forms, and have bestowed little of it on the social condition and state of the Norwegian people."

The latter, however, is the more worthy object of our author's solicitude.

"They are," he continues, "the most interesting and singular group of people in Europe. They live under ancient laws and social arrangements totally different in principle from those which regulate society and property in the feudally constituted countries; and among them may perhaps be traced the germ of all the free institutions which distinguish the British constitution of the present day. They present to the political philosopher the singular spectacle of a nation emerging suddenly from under the hand of an uncontrolled and absolute sovereign power, with their civil liberties and social arrangements so well adapted to their condition, and so well secured by their ancient laws, that the transition from despotism to democracy was unmarked by any convulsion or revolutionary movement, or important change in the state of society and property."—*Introd. p. iv.*

Further on Mr. Laing tells us that he had long entertained a desire to visit Norway,

"partly to investigate the social condition of a people living under institutions so ancient and peculiar, and which have recently been adopted by two of the greatest of modern nations, and partly from the histo-

rical interest which we attach to everything Norwegian. Here we expect to see the original type of institutions, customs, and domestic usages which England received by the Norman conquest, and the long previous occupation of a large portion of her territory by invaders of Norwegian race. Few readers of the historical events of the middle ages rise from the perusal without a wish to visit the country from which issued in the tenth century the men who conquered the fairest portions of Europe. Such were the objects, to investigate which the writer was induced to spend nearly two years in this remote part of Europe."—Page 3.

But the chief interest which Norway possesses for the modern politician is the illustrations which the country furnishes of the great movement which is more or less prevailing throughout every country in the world. Democracy, M. de Tocqueville tells us, is inevitable. We believe it. What then so deeply interesting as an account of a country which illustrates, in a remarkable manner, the progress of that principle?

The first thing the reader should do is to turn to a good map of Northern Europe. He will there find that the country which is the subject of this article extends from the 58th to the 71st degree of north latitude. On the east it is bounded by Sweden, on the west by the North Sea. Its greatest breadth does not exceed 300 miles; and north of the 63rd degree, in the province of Drontheim, the country narrows to a mere belt. The whole area has been computed at something over 60,000 square miles. The reader will perhaps better appreciate the position of the country, by bearing in mind that Norway begins nearly where Scotland ends; that is, the southernmost point of Norway, the Naze, is only a few miles south of Pentland Frith.

Norway, Iceland, the North of Scotland, Newfoundland and the coast of Labrador, all present coast features of a similar character. The sea bound is broken into innumerable islands, and the country is penetrated by considerable arms of the sea, into which the inland streams empty themselves. A further inspection of the map will show the character of these *fjords*, as they are called in Norway, which are nothing more than the *firths* of Scotland*.

The country is covered by a succession of mountain ranges, called *Fjelde*, (whence the Cumberland term Fell,) the most con-

* In the island of Cape Breton is a large arm of the sea, called by the French *le bras d'or*, whence probably the name Labrador.

siderable of which is the Dovre Fjeld, of which Mr. Laing thus writes :

“When we give things their real names, we take away much of their imagined grandeur. The Dovre Fjeld sounds well, and we fancy it a vast and sublime natural feature. It really is no more than a *fell*, like those of Yorkshire or Cumberland ; an elevated tract of ground, whence run waters in opposite directions, and which forms the base of a number of detached hills of moderate elevation. In fact, as a scene impressing the traveller with ideas of vast and lonely grandeur, the tract from the waters of the Tay to those of the Spey, by Dalnacardoch Dalwhinny and Pitmain, greatly surpasses it. You are indeed 3000 feet above the level of the sea ; but that is not seen,—it is a matter of reflection and information. You look down upon nothing below you, and look up only to hills of moderate elevation. Schneehøtte alone comes up to a mountain in magnitude : it is 7300 feet above the level of the sea ; but this fell is 3000 at this farm house (*Jerkin*, where Mr. Laing then was), which is about twelve miles from the base of Schneehøtte. The actual height for the eye therefore of this mountain is about the same as that of Ben Nevis, about 4300 feet, with the disadvantage of gaining its apparent height by a slow rise from the fell.”—Page 52.

The most important consequence of this elevation of the country is, that the climate is rendered much more severe than would naturally belong to a similar latitude at a lower elevation.

As in all northern climates however, the length and severity of the winter is in some measure compensated by the heat, and consequent rapid vegetation in summer. Captain Franklin tells us of the oppressive heat of a polar summer ; in Canada wheat has been sown and reaped in eighty-seven days, and probably in even less ; and in Norway Mr. Laing found fruits in perfection which would be a rarity in Scotland.

“Behind the house which I inhabited is a standard cherry-tree bearing ripe fruit. It would be a rarity in Scotland to raise them, unless against a wall, even eight degrees of latitude south of this ; Drontheim is supplied with them from a parish twenty miles north of the town. Hops are cultivated here as a crop : flax-seed ripens so as to be fit for being sown. It is only in the south of Scotland that these productions would come to maturity.”—Page 95.

Indirectly the length and severity of the winter, by abridging the luxuriance of vegetation, renders the soil comparatively sterile. In forest-clad America it is perpetually enriched by the decaying clothing of the vegetable world. In Norway the paucity of alluvial tracts, the prevalence of rock seldom

sinking far beneath, and often forming the surface, together with the want of vegetable decomposition, render the soil incapable of furnishing food to any considerable population. The whole amount is consequently only 1,098,291*, which is just that of the two Canadas, and, as far as proportion of people to territory is concerned, not much more than one thirtieth of the population of Great Britain, taking the latter at 16,000,000, with an extent of territory not much more than half that of Norway.

The mention of population brings us to a very important principle, which is ably discussed and very fully illustrated by our author. It is this,—that if the people of a country be habituated to a high standard of subsistence and comfort, they will not suffer their condition to sink indefinitely, but, by prudence in the contraction of marriage and the raising of a family, will keep down their own numbers, not merely within, but even far within, the means of subsistence. There are several passages in Mr. Laing's book which illustrate this principle: we select the following.

"This population," says Mr. Laing, "is much better lodged than our labouring and middling classes, even in the south of Scotland. The dwelling-houses of the meanest labourers are divided into several apartments, have wooden floors and a sufficient number of good windows, also some kind of outhouse for cattle and lumber. Every man indeed seems, like Robinson Crusoe, to have put up a separate house for everything he possesses. Whoever has observed the condition of our labouring population will admit the influence of good habitations upon the moral habits of the people. The natives of New Zealand have dwellings more suited to the feelings and decencies of civilized life than the peasantry of a great proportion of Great Britain and Ireland, who live in dark one-room hovels, in which not only are household comfort and cleanliness out of the question, but the proper separation of the sexes can scarcely be maintained. *Can any reflecting person doubt that it is an important advantage to the labouring classes of a country, that their standard of living is pitched high as to lodging, food, and clothing?* It is the most effective check upon pauperism and over-population. Why does the Irish peasant marry so recklessly? Because his idea of a suitable dwelling for a man in his station is a hovel of raw earth and sticks, such as a man may put up in a forenoon on a hill-side: a bucket full of potatoes is his standard of food:—a tattered great-coat, of raiment. With these he is in no worse condition than the population around him, and therefore he marries. If the ideas and habits of

* "Census of 1835,"—Laing, p. 395.

the country required a more expensive and comfortable sort of habitation for the very meanest person of his own station, he would not marry until he had acquired the means of lodging like his neighbours; nor would he find a wife who would leave a decent habitation to burrow in a pigsty. Every man looks to what is considered proper and reputable in his own rank; and the poor man, having little else to give him importance, is generally more tenacious of the proprieties belonging to his station, than the rich man of what is suitable to his sphere."—Pages 40, 41.

The following passage is equally illustrative of the proposition with which, following Mr. Laing, we started. It exhibits Mr. Laing's habit of penetrating much deeper than the mere surface of things.

"The family I lodge with went to a wedding some days ago. The feasting will continue a whole week. The same custom of expensive weddings and funerals among country people prevailed formerly very much in Scotland, and was discountenanced, perhaps not very wisely, by the clergy. It is in fact beneficial for society when, either to be married or buried with respectability, some considerable expense must be incurred, and consequently a certain previous saving and industry be exerted. It is true that a young couple, who spend on their marriage-day what might have kept their house for twelve months, do what people in a higher station consider very imprudent; but in acquiring what they then spend, they have acquired what they cannot spend,—the habit of saving for a distant object, and not living from day to day. By this one festivity too they form a bond of connection with the married people of respectability in their own station, and which those of good disposition and intentions retain through life. They are transferred out of the class of the young and thoughtless, into the higher class of the steady and the careful. The penny or subscription weddings common in the south of Scotland deserved much greater reprobation."—Page 146.

So highly important, considered in its bearing on the aggregate happiness of the community, do we deem the principle that their condition will mainly depend on their habits, that we shall without apology present to the reader one other passage, wherein our author argues in favour of his principle.

The first quotation we made, bearing on the question of habits, related chiefly to lodging; the present has reference solely to food. After observing, in relation to the potatoe diet of the Irish, that "as fine an animal might be reared upon "potatoes and milk as upon roast beef and plum-pudding," our author thus wisely continues:

"The food best for a country is clearly that which requires the greatest exertion of industry and skill to produce. That which can be procured

with little of such exertion, as potatoes, would undoubtedly reduce a nation to a low state of industry and skill. Those are in a wrong path who would reduce pauperism in England by reducing the standard of subsistence for the poor. If the English labourers, instead of considering wheaten bread and meat necessary for their proper sustenance, were to be content with potatoes and salt herrings, the increase of pauperism among them would be in proportion to the diminished value of their food, and the ease of obtaining it. The man who now thinks himself ill off without the finest bread, would then think himself entitled to marry if he could earn potatoes for himself and family. Our pauper population would thus increase with frightful rapidity. I agree with Cobbett that potatoes are the worst food for a nation to subsist on, but not for his reasons; not because they are an unsubstantial food, and consume coals and time, and keep the housewife boiling or baking all day long; but because, in proportion to their nutriment as food, they require less labour, less exertion of body and mind to bring them to the state of food, than any other article of human culture. The planting and digging up, the boiling or baking, are almost all the operations required with the potatoe; and therefore the nation which is satisfied with a potatoe diet must be in a state of sloth and inactivity, bodily and mental. The most complicated manufacture, perhaps, which we have among mankind, and which in all its parts requires the most combined exertions of human industry and skill, is the production of a quartern loaf from a few seeds of wheat put into the earth."—Pages 45, 46.

The relation between the condition of the people and their habits being established, the practical inference is, that all our efforts should be directed toward raising the standard of contentment among the people. This is the view we took in our observations on Poor Laws for Ireland in our seventh number*. If the object of a system of relief be not to raise the habits of the people, to render them in short discontented with a bare subsistence, we should deem such a system worse than useless. The evil of unconditional relief, such as prevailed in some of our southern counties previously to the Poor Law Amendment Act, was, that the independent labouring population was reduced to the pauper level. The effect of a system of conditional relief will be, *first* that the pauper will be raised to the condition of an independent labourer, and *next* that the condition of the independent labourer will be subject to a further process of indefinite elevation. The effect of a well-ordered system must be to establish a practical *minimum* of wages; but without any of the evils which would flow from a legislative minimum. As the labourer's condition

* See the first article of volume iv., *passim*, and pp. 16–17 in particular.

improves, as he becomes gradually more and more fastidious as to the amount of comforts with which he will be content, the necessity for a system of relief will be gradually obviated. Population would, under such circumstances, be greatly within the means of subsistence, and all the evils which flow from indigence would spontaneously subside. This great end, with a poor law as a means, should never be lost sight of; and for this reason we desire to see the food and comforts of the poor within the houses of refuge greatly improved, trusting wholly to restraints on the principle laid down in our article already alluded to, as a check upon immoderate application for relief.

Whilst we are on the subject of such checks as keep the population at a point short of misery, we cannot avoid again quoting from our able author a passage which we look upon as worthy of particular attention.

“Among the secondary checks (we should rather call them primary or preventive) upon improvident marriages in this nation, the most powerful is, that in the Lutheran church marriage includes two distinct ceremonies,—the betrothal and the final ceremony. The one precedes the other generally for one, two, or often for several years. The betrothed parties have, in the eye of the law, a distinct and acknowledged status, as well as in society. It is to be regretted that a custom so beneficial should have fallen into disuse in the English church. It interposes a seasonable pause before young parties enter into the expenses of a family and a house. It gives an opportunity of discovering any cause, such as drunken or idle habits, or poverty, which might make the marriage unsuitable; and perhaps, as a sort of probationary period, it is not without its good effect on the character and temper of both sexes. If we reckon the prolific age of a female at twenty-two years, or from eighteen to forty, the interval of a year (and in the less opulent classes it is often several) alone reduces to the amount of between four and five per cent the increase of population.”—Page 147.

“Given the aggregate wealth of a nation,” says Mr. Bentham in one of his unpublished manuscripts, “the condition of the people will be in proportion to their numbers.” We have seen that in Norway a great variety of circumstances tend to keep down the numbers of the people, in proportion to land and capital. Hence their aggregate and average condition is one of comfort. But there is another most important item in the happiness of a community, namely the equal distribution or diffusion of the wealth, upon which Mr. Laing dwells, and which he illustrates with his usual felicity. If

the wealth of a community were distributed with tolerable equality, it must be quite clear that the aggregate of happiness must increase in the same ratio as the wealth; but if every law and institution should tend to the undue amassing of wealth, it must be equally clear not only that happiness may not go hand in hand with wealth, but that wealth may become, in the hands of the powerful few, an instrument of human degradation and misery.

In Norway the tenure of landed property promotes the general diffusion of wealth. The law of primogeniture is unknown: land is equally divided among the surviving children, and the custom (owing to a circumstance to which we shall hereafter allude,) works admirably.

"In Norway the law of succession has prevented property from being accumulated in large masses. The estates of individuals are generally small; and the houses, furniture, food, comforts, ways and means of living among all classes appear to me to approach more nearly to an equality to one standard than in any country of Europe. This standard is far removed from any want or discomfort on one hand, or any luxury or display on the other. The actual partition of the land itself seems, in practice, not to go below such a portion of land as will support a family comfortably, according to the habits and notions of the country; and it is indeed evident that a piece of ground without houses upon it, and too small to keep a family according to the national estimation of what is requisite, would be of no value as a separate property. The heirs accordingly either sell to each other, or sell the whole to a stranger, and divide the proceeds. The duty of the Sorenskriver, or district judge, consists chiefly in arranging this kind of chancery business, and all debts and deeds affecting property are registered with him."—Page 281.

The equal partition of property among the children is an *incident* of the perfectly free tenure which prevails in Norway. Lands are there held of no feudal superior. In this country all lands are *theoretically* said to be held of the king; according to Sir Edward Coke we have no allodial lands. In Norway estates are allodial; consequently all the incidents of the feudal tenure are unknown.

"The peasantry of Norway," says Mr. Laing, "have always been free. From the earliest ages they possessed the lands in property, and were subject only to the general jurisdiction of the country. They were never *ascripti glebae*, as in the feudal countries of Europe, or subject in person or property to local judicatories. The small kings who were expelled, or their independence annihilated, appear never to have attained the powers

and privileges of the great feudal lords in other countries, but to have always depended in some degree upon the great Things or Meetings of the landowners, in the enactment of laws. Property and power necessarily go together; and by the Udal laws the land was always the property of the people, not of a feudal class of high nobility: this gave them at all times, even under the nominally absolute government of Denmark, much weight in legislation."—Page 203, 204.

"Udal or Odal, as a term applied to land, to landholders, and to privileges attached to Udal land, appears to have been originally the same word as the German word Adel (modern Edel), signifying noble; and it carries an equivalent meaning in all its applications. Udal land is noble land, not held from or under any superior, not even from the king; consequently paying no acknowledgement, real or nominal, as a feu duty or reddendo, but held, as it has been proudly expressed, by the right by which the Crown itself is held. Udal land is possessed consequently without charter, and is subject to none of the burthens and casualties affecting land held by feudal tenure direct from the sovereign, or from his superior vassal. It is subject neither to fines on the entry of new heirs or successors, nor to escheats nor forfeiture, nor personal suit nor service, nor wardship nor astrictions to baronial, county, or other local judicatories, nor to baronial mills or other feudal servitudes, nor to any of the ten thousand burthens and vexatious exactions which in the middle ages, and even in some degree to the present day, have affected all property held under the feudal tenure. There being neither superior, nor vassal, nor feudal service connected with such land, there existed no legal necessity for the law of primogeniture. It is well known that, in all countries feudally constituted, the right of the sovereign or feudal superior to have a vassal of an age to perform the military service, in consideration of which the land was granted, was the foundation of the rule of primogeniture. The eldest son alone could generally have attained the age to perform this service. This right was even superior to the right of hereditary succession, and in virtue of it a *delectus personæ* was in the earlier ages exercised. The fiefs were not hereditary of right; and even at the present day this principle is by fiction of law so far effective and acted upon, that female heirs are in many feudal cases excluded from succession; and in all feudal countries the eldest male heir has to pay an acknowledgement to the feudal superior on his entry as vassal in the land. Udal land not being held for military service to any superior, no *delectus personæ* as to who should inherit it was competent to any authority, and consequently no preference of the male heir could grow into the law of succession to land."—Page 207.

There appears to be a species of entail connected with the Udal tenure, and it is this. If the Udalman in possession should alienate to a stranger, the next of kin has a right of redemption, on paying the price of the land. This is called the Odelbaarn's Ret. By recent enactments this right has

been limited in its exercise as to time, namely to five years; besides which improvements must be paid for. This last provision is wise; without it, the Odelbaarn's Ret would be a bar to improvement.

It has been urged that equal division has a tendency to promote the subdivision of estates to a most injurious extent, and Ireland is not unfrequently pointed at for proof of the proposition. Norway however, as we have seen, affords proof to the contrary; and we shall here extract another passage, both for the purpose of exhibiting the effects of equal division, and in order to avail ourselves of the manner in which Mr. Laing disposes of the fallacy with regard to Ireland. It will at once be seen that the cases are not analogous.

"The division of the land appears not, during the thousand years it has been in operation, to have had the effect of reducing the landed properties to the minimum size that will barely support human existence. I have counted from five-and-twenty to forty cows upon farms, and that in a country in which the farmer must, for at least seven months in the year, have winter provender and houses provided for all the cattle. It is evident that some cause or other, operating on aggregation of landed property, counteracts the dividing effects of partition among children. That cause can be no other than what I have long conjectured would be effective in such a social arrangement; viz. that in a country where land is held, not in tenancy merely as in Ireland, but in full ownership, its aggregation by the deaths of co-heirs, and by the marriages of female heirs among the body of landowners, will balance its subdivision by the equal succession of children."—Pages 18, 19.

The causes stated above must of necessity be continually in operation, but still we must insist that the high standard, as previously stated by our author, is by far the most powerful check upon the minute subdivision of land. It appears to us to be an almost self-evident proposition that, if men will not live according to a low standard they will in all cases dispose of lots of land too small to enable them to live according to a higher standard. Thus the minimum size of lots of land will have a tendency to fix itself at just that point which is sufficient to secure the minimum condition which agrees with the popular idea of decency. But to return to our author. Alluding to the state of Ireland, Mr. Laing says :

"There the land and other property is not disseminated in ownership

or in small portions among the mass of the inhabitants. It is notoriously held in large masses by a very small portion of the population. The peasantry, having no property nor any reasonable prospect of ever possessing any, have not those tastes, habits, modes of thinking, prudence and foresight which accompany the possession of property, and altogether form the true and natural check upon the tendency of population to exceed the means of subsistence. The Irish peasant gratifies the natural propensity to marriage, precisely because, being destitute of property and of its influences on the human mind, he has grown up to manhood without any restraining propensity."—Page 20.

In proof of the above statement, with regard to the influence of property, Mr. Laing refers to the state of the Irish labourer in London, where his labour is worth perhaps four or five times as much as in his own country. There he ceases to be an indolent and improvident sloven; he acquires new tastes, desires and wants, to gratify and supply which new exertions are necessary. To use the words of an intelligent working man, he will no longer "give half his food to get the other half cooked,"—he will not, as he would have done in Ireland, marry improvidently: he has a new stake in existence, and, in the words of Mr. Laing, "the restraints of property are upon him."

In the United States of America and in Canada "the restraints of property" are conspicuously active upon the settler from Ireland. He seems to be a new being, endowed with increased capacity for enjoyment, with new wants and new energies. Captain Basil Hall,—who seems to be deeply imbued with the spurious morality of his class, who condemns much that is estimable, and approves much the tendency of which is evil,—tells us of an Irish settler in Canada who had a fine farm, but who would not admit, until hard pressed by the gallant Captain, that his condition had been much bettered by emigrating. What does this indisposition to admit his former state show? Simply that he had learned to look back to that state as one of degradation and misery, to one which was fraught with painful associations. Captain Hall must be a bad metaphysician, or he would not have touched so sensitive a chord. To us the poor Irishman's emotions were worthy of respect, but we must say that we never appreciated their full force until we read Mr. Laing's book.

There is another condition to the due distribution of landed

property into conveniently sized properties which we must not lose sight of; and that is, that there must be no great impediment, such as fines on alienation, or imposts of any kind in the way of sale or conveyance. Under the feudal system division might take place to any extent, but the difficulties in the way of re-union were very great. The seigneur, or lord, held under the king as a feudal superior; the tenants held under the seigneur. To say nothing of all kinds of service, chiefly military, which is in itself equivalent to a tax, the land itself was subject to certain burthens on conveyance. Where the lord of the soil conveyed his whole lordship, the king received a fine: where the tenant conveyed his property, the fine was to the seigneur or lord. The latter class of fines operated against the transfer of small lots held under the lord, so that subdivision went on to infinity.

The ancient and confirmed habits of the people too must be taken into account. Why does assassination prevail in New Orleans, fanaticism and the spirit of trade in New England, and high-minded generosity in Kentucky, seeing that the laws and circumstances of the country do not differ enough to produce such differences? The solution is not difficult. New England was settled by men of the middle class, who had been persecuted for religion; New Orleans by Spaniards and others whose morality touching human life is, to say the least, somewhat lax; whilst the Kentuckians were from Virginia, which was peopled by Englishmen of refined and cultivated tastes; and the habits peculiar to the classes whence the people of the states we have named took their origin, have not as yet been eradicated by the new influences to which they have been subjected. To ancient habits, however generated, added to fines on alienation, we are disposed to attribute the excessive subdivision of property in France; and we are the more disposed to take this view, from having observed the disposition of the French population of Lower Canada to subdivide their paternal lands rather than settle out of the parish, where abundance of land may be had almost for asking for, the lord's conveyance to his tenant not being a costly process.

We think then there can be no doubt that the excessive subdivision of landed property is checked by the prevalence of a high standard of living, whilst it is unquestionably pro-

moted by the coincidence of a low standard with fines and expenses on alienation. With a high standard and without such fines

"an estate would no more be divided by heirs than a ship is broken up or divided by heirs, unless it were the interest of the heirs to do so; and, if so, society would be the gainer by it. . . . Norway at all events affords an instance of this dreaded excessive subdivision of property. Notwithstanding the partition system among children, continued for ages, it contains farms of such extent that the owner possesses forty cows and must summon his farm-servants to work by a bell at the house-top."—Page 22.

The diffusion of property in Norway is very great, compared with its diffusion in this country, but not as compared with Canada. The following table will facilitate comparison.

Country.	Population.	Proprietors.	Proportion of Proprietors to Population.
Scotland.	2,093,456	896,1 *	1 to 222
Norway	910,000	41,656	1 to 22
Lower Canada.	512,000	57,891	1 to 9

If the same proportion obtained in Norway as in Canada, the number of proprietors should be upwards of 100,000. Mr. Laing distinguishes two classes of proprietors, those who have farms larger than they themselves can work, and those who exclusively farm their own estates.

"A Norwegian gentleman," says Mr. Laing, "and his daughter are travelling like me, with their own horse, and in stopping to bait I have formed a little acquaintance with him. He is a northern proprietor returning from Copenhagen. Proprietor I find is a sort of conventional title, like esquire with us, given to landholders who possess estates larger than they themselves farm; the smaller landholders, who work upon their own little estates, are called *bonder*. This gentleman and his daughter are, like our own country gentry in remote parts of Scotland, very kind and obliging, and with the manners and appearance of genteel people."—Page 61.

The mode in which the population of Norway, so essentially agricultural, is located is thus described.

"The territory is not inhabited tillage-wise. In this respect countries differ remarkably: in some the agricultural population is clustered into villages, and the arable lands are necessarily at a distance from the dwell-

* 2,987 freehold only.

ings, which must occasion great delay and loss in farming operations. Here the husbandman dwells in the midst of his lands, which must be more advantageous, and make even a difference in the wealth of an agricultural nation."—Page 82.

All this may be true; the dwelling of the farmer in the midst of his lands may contribute to the wealth of the people, and yet may be shown to be less advantageous than the village system in other respects. We need not remind Mr. Laing that wealth is good only so far as it contributes to happiness, because throughout the whole of his book is scattered a running commentary on that principle; and we apprehend the village system, if so it may be called, has advantages not to be lightly given up for any trifling advantages to agriculture, which may spring from the contrary practice.

Among the first of the advantages which must arise from the concentration of the population in agricultural villages, we may mention the facility of meeting together for purposes of instruction and mutual improvement. It is probably to this circumstance that is owing the superiority of the people of the towns over those of the country. Co-operation is certainly a concomitant, and perhaps both cause and consequence, of civilization; and that is almost impossible where the population is scattered over the country. It is combined *versus* isolated exertion, the strength of the bundle of sticks against the weak and frangible twig. The education of children too,—mark how that would be facilitated by locating the country village-wise, how impeded by isolation. In short there is no one case where combined exertion is of any value that would not be promoted by the village system. Aggregate the farm population into villages, and we should soon have them equal in point of intelligence to our artizans; isolate them to as great an extent as possible, and we should soon have them as wild as North American trappers. Even as far as agriculture is concerned, we have very strong doubts whether, on the whole, the custom of dwelling on the land may not be carried too far. Agriculture would certainly be better conducted, were a greater degree of intelligence brought to bear upon it than is usually the case, and intelligence is the creature of combined exertion and mutual intercommunication.

Pass we now to other subjects. There are several passages

wherein Mr. Laing speaks of the politeness of the people. We select the following.

"I like the politeness of the people towards each other in this country,—the pulling off hats or caps when they meet either strangers or friends. The custom is universal: common labourers, fishermen, private soldiers, salute each other with a bow, and do not merely touch the hat, but take it off. This is carefully taught to the children, and even the school-boys bow to each other in the streets; such a custom is not to be laughed at; it has a humanizing effect. The exterior form of good-will, although but a form, introduces a pause before any ill-will or passion can be indulged."—Page 109.

"The good manners of the people to each other are very striking, and extend lower among the ranks of society in the community than in other countries. There seem none so uncultivated or rude as not to know and observe among themselves the forms of politeness. The brutality and rough way of talking to and living with each other, characteristic of our lower classes, are not found here. It is going too far for a stranger to say there is no vulgarity, this being partly relative to conventional usages of which he can know but little; but there is evidently an uncommon equality of manners among all ranks, and the general standard is not low. People have not two sets of manners, as we see in England among persons even far above the middle class, one set for home use, rude, selfish, and frequently surly; and another set for company, stiff, constrained, too formally polite, and evidently not habitual. The manners here are habitually good, even among the lower ranks."—Page 159.

Hinting at a cause, Mr. Laing says,

"It is possible that the general diffusion of property (the very labourers in husbandry possessing usually life-rents of their land) may have carried down with it the feelings and self-respect and consideration for others that we expect for ourselves, which prevail among the classes possessing property, although of a larger extent in other countries, and which constitute politeness."—Page 159.

The general diffusion of property is not adequate to the production of the effect stated. Among the mass of the people of the United States "the diffusion of property" is very great; nevertheless an American is a John Bull a little roughened. Some people attribute this to democratic institutions; but this doctrine is not tenable, because Norway has democratic institutions, whilst in Upper Canada, where manners are not to be distinguished from those of the United States, the institutions are monarchical. A better explanation is furnished by Mr. Laing a little further on, where he ascribes it "to the naturally mild and amiable character of the people, and per-

"haps even to their having retained in their secluded glens
 "many usages and forms of politeness which once prevailed
 "generally in the good society of ancient Europe."

National manners have, we believe, a very remote origin, though we are by no means indisposed to admit that the diffusion of property, and the equalizing of condition generally, may tend to soften men's manners. The most polite peasantry in the world are, perhaps, the Canadians. The manners of a Canadian *habitant*, or farmer, are more bland and agreeable than the manners of an English aristocrat: there is the same self-possession, and all the politeness which the Englishman *can* display, with a superior degree of consideration for others, and a total absence of anything like superciliousness. All this may, we repeat, be aided by the diffusion of property: but its original and, we will add, more powerful cause is more remote; it lies, we suspect, in ancient habits and customs.

Every portion of Mr. Laing's book which treats of the condition of the people appears to us of so extremely important and interesting a character, that our difficulty is really where to abstain from making extracts. We have already explained that the small proprietors, who hold just as much land only as they and their families can cultivate, are called *bonder*: in his eighth chapter Mr. Laing gives some interesting particulars of this class.

"If there be a happy class of people in Europe, it is the Norwegian *bonder*. He is the owner of his little estate: he has no feudal service to pay to any superiors: he is king of his own land, and landlord as well as king: his poor-rate and tithes are too inconsiderable to be mentioned: his scot or land-tax is heavy; but everything he uses is in consequence so much cheaper; and he has that which renders every tax light,—the management of it by his own representatives, and the satisfaction of publicity and œconomy in its application. * * * He is well lodged, has abundance of fuel, and that quantity of land in general which does not place him above the necessity of personal labour, but far above want or privation, if sickness or age should prevent him from working. * * * He has no cares for his family, because he knows what their condition will be after his death: he knows that his wife succeeds to him, and as long as she remains unmarried the only difference made by his death is that there is one less in the family. On her death or second marriage, he knows that each of his children has a right to a share of his property; and, according to their number, he makes his ar-

rangements for their either living on the land as before, or dividing it, or for being settled in other occupations, and taking a share of the value when it comes to be divided."—Page 333.

Besides the bonder or agricultural class, properly so called, who occupy all the most fertile lands in the country "from the shore-side to the hill-foot," whereon corn will grow, there is another class called Fjelde bonder, who form a connecting link, as it were, between the class above described and the wandering Laplander. "They possess land also, and have houses which, although small, are comfortable, with floors of wood and glass windows; but their situation is on the verge of the fjelde, or in the glens which run into it far above the level of the land, which produces corn, and outside of the districts occupied by the other small proprietors." These men are the "hewers of wood" of Norway; but they possess cattle, and are not destitute of comforts: they are described as extremely hardy and active, and have a stronger frame than the agricultural bonder. Among these are the most interesting inhabitants of Norway: they retain the ancient costume, and many of them boast a descent from the days of Harold Haarfagre. One family named Gjoesling, living on their estate of Sandbu, have, it is said, deeds showing that their ancestors lived on the estate in 1336.

Before we dismiss the subject of the social condition of the people, we cannot refrain from offering the reader an extract, together with a few cursory remarks on the effects of unrestricted distillation on the habits of the people.

"The distillation of spirits being unrestricted in this country," says Mr. Laing, "and carried on in every farm house, renders the price very low, about 1*s.* 2*d.* sterling the gallon. I expected to have seen a great deal of drunkenness and disturbance in an assemblage of four or five thousand people of two distinct nations. This proved not to be the case. In the morning I have not seen one intoxicated person: in the evening, the country people returning home appear elevated, or in liquor, as at our fairs, but not so as to be unable to take care of themselves. I have not seen one of the soldiers, a subaltern's party of whom are here during the fair, in the slightest degree affected with liquor, either on duty or off; yet the discipline is everything but strict. The only individuals I have seen thoroughly drunk, or in the state in which well-clad artisans may be seen staggering through the streets of Edinburgh every day, are the Laplanders."—Page 170.

"If the distillation of spirits from potatoes were allowed the Irish peo-

ple, as here, where every one may distill without restriction, what would be the consequence? The whole nation would be drunk for the first fortnight, but the permanent consequences might be beneficial. It would give a positive value to a vast mass of property, the potatoe crop, which has now only the kind of negative value of being consumed by man and pig, in place of other more transportable kinds of food: it would make potatoes, like grain, a saleable product. The growers could not consume it, as now, in breeding curly-headed boys and girls, but would distill part of it for use or for sale. If all restraints on the use of spirits were removed,—and the artificial price occasioned by duties and excise regulations is, perhaps, the most exciting one,—it is very possible that, after the novelty of the situation was over, the consumption would be less considerable than it is now. There would be no treating, no public-house drinking; for there would be no rarity nor difficulty in getting the liquor, which could be had at home at little cost. It would undoubtedly improve the condition of the Irish people, by giving a valuable property to the poorest cottier out of a product which is now only applied to the rearing of a superfluous population; and, notwithstanding the evil consequences of placing, as it were, the glass brimful in the hands of the people, the good might counterbalance the evil.”—Page 171.

There is wisdom in every proposition in the above extract. There is, in the whole question, one strong fact which cannot be got over; and it is, that in every country in the world cheap distilled and fomented liquors go hand in hand with sobriety, whilst drunkenness seems to be the offspring of the exciseman and his tax. In most parts of the United States whiskey can be had at 1s. 3d. or 1s. 4d. a gallon. In some parts it is as low as 10d. In Canada common whiskey is at 1s. 6d., rum sometimes as low as 2s. 4d., and all spirits cheap. Now the Americans never were a drunken people. There *was* a road-side class, whom one met with in steam-boats and stages, who were fond of drams “to keep up the steam,” as they expressed it; but they have died away before the Temperance Societies,—and even they were not drunkards.

And how did the Temperance Societies improve the people's habits (for improved them they certainly have)? Did they demand that spirits should be made costly by means of an excise? No: they relied wholly on the moral influences, and they have succeeded, which they would not have done had they attempted to obtain their object by means of a tax.

Look at the state of London: there spirits are taxed enormously, so as to render them high-priced, and yet there is drunkenness to be met with in all its disgusting forms.

But what is meant by a high price? Is a given price equally high to all? No: it has reference to income; a price which is high to the wretched outcast is, at all events, much less so to the artizan. Now if the argument that a high price prevents or checks drunkenness be good for anything, we ought to see the artizan drink more gin than the outcast, as he can afford it much better. And why does he not? We have no better answer than, because he is not an outcast. Misery is, in fact, the parent of drunkenness: dram-drinking is resorted to, not for the positive pleasure, but for the negative pleasure which it affords by dispelling misery. Every circumstance which improves the comforts and condition of the people removes the motive to intemperance; and for this reason we agree with Mr. Laing, that the permission to distill without restraint would check drunkenness among the people of Ireland. In nearly all his views Mr. Laing is both far-seeing and clear-seeing, but in none more so than in his view respecting unrestricted distillation.

We have endeavoured, as far as our limits would permit, to give a general conception of the social state of the Norwegian people: we have however left many exceedingly interesting particulars unstated, for which we must refer to Mr. Laing's book. What we have shown by the extracts we have made is, *first*, that the condition of the people is singularly equal; and, *second*, that the standard is not low. These seem to be the most important conditions of human happiness. Now the Norwegian people *are* happy.

Proceed we now to the constitution of the government of Norway. Here we must premise that the king of Sweden is also king of Norway; nevertheless the two countries are by no means under one government. Norway was formerly annexed to the crown of Denmark; but in 1814 it was separated therefrom, and very coolly handed over to the tender mercies of the Swedish monarch, as a compensation for Finland, seized by Russia. Hereupon the Norwegians declared themselves independent, made a constitution, and elected as their monarch the son of their late king. Their new king, however, dared not brave the power of England and Sweden united, and he therefore abdicated; but the whole movement had this good effect, that the distinct existence of Norway as a

nation was recognised, and their constitution accepted, on the 17th of May 1814, and "on these conditions only,—viz. the "distinct existence as a nation of the kingdom of Norway, "and the preservation of its constitution as sworn to,—were "the two crowns of Norway and Sweden united, under the "guarantee of this country, as one of the allied powers, to "support each party, the king of Sweden and the Norwegian "nation, in their just rights."—*Introd. p. v.*

Of the independence thus established the Norwegians are both proud and jealous. The 17th of May is regarded by that people much as the Americans regard the 4th of July: "it is celebrated at home and abroad by every Norwegian." (P. 197). The jealousy which, be it observed, is not to be condemned, as it is a potent protection against an infringement of rights, often shows itself on trifling occasions. The substitution of a yellow for a white button, the former being the national colour of Sweden, on some military great-coats, was regarded as an attempt at "amalgamation." An error in the engraving of an official seal gave rise to a similar suspicion. These little jealousies the Swedish government takes no pains to allay, but on the contrary "shows many childish and impotent indications of dislike to the constitution and independence of Norway." (P. 197.) The display of this spirit "has consolidated "the Norwegian constitution more perfectly in twenty years, "than could otherwise have been done in two hundred; for "opposition naturally begets opposition, and, when applied "fruitlessly, begets an increased determination to hold fast to "rights." (P. 198.) Here follows a sentence which applies to the connection between socially-equal Canada and the mother-country, as well as to that between Norway and Sweden. "It is an idle dream on the part of Sweden to expect that, by "such means, a nation connected with one class of people is "to be amalgamated with, and governed by, one in which a "numerous aristocracy and a corporate body of the clergy are "the legislators." (P. 198.) One great subject of dispute is the title of the monarch. Charles, the present king, is the Fourteenth of that name who has reigned over Sweden, but the Third only of Norway; yet he is called Charles the Fourteenth only of Sweden and Norway. The case of James the Sixth of Scotland, who became James the First of England,

is in point. This is not a trifling dispute, as some legal difficulties might arise out of so obvious a misnomer. But to the Constitution.

Before we describe the several branches of the legislature, we must say a few words on the constituent body. The Norwegian Parliament, or Storthing, is chosen by the owners or life-renters of the land who have attained the age of twenty-five years. The minimum value which gives a vote is 150 dollars, or £30, a value which renders the suffrage almost universal. The only addition required, to render the elector himself eligible as a representative, is that he be thirty years of age. The voters elect electing-men,—one to every fifty voters in towns, and one to every hundred voters in counties. “The elective franchise,” says Mr. Laing, “is not connected with the place,—with the brick and mortar for instance of Old Sarum or Aldborough,—but with the number of electors in a place.” (P. 451.)

If numbers change, the power of choosing electing-men changes; and as the Storthing bears a proportion to the numbers of the electing-men, the number of which the Storthing may consist varies also. Moreover, by this self-acting system of perpetual reformation, places which increase acquire a direct voice in the making of laws; whilst such places as decrease below fifty electors lose the direct voice as a place, but are not disfranchised, as they join another district. The variation in the number of members of the Storthing “cannot well,” says Mr. Laing, “exceed two or three, and can be of no importance.” (P. 452.)

The electing-men, *on a day fixed by law*, choose the representatives, either from among themselves or others duly qualified. The body thus elected is the Storthing, to be afterwards separated into two chambers, by a process hereafter to be described.

The Storthing is chosen every three years, and is assembled only once in three years, when it sits for three months, or “until the business is dispatched.” (P. 115.) *The day of meeting is fixed*, namely on the 1st of February. An extraordinary Storthing may be convened by the king; but its acts must be confirmed by the next Storthing.

Before the newly chosen Storthing proceeds to sift from

the general body, if we may use the expression, a second chamber, it "elects its president, speaker, and its secretary. "This is done once a week. * * * The next proceeding "is to examine the writs, or full powers of the members from "their constituents, to ascertain that all are duly elected." (P. 455.)

The Storthing, or Parliament, then proceeds to divide itself into two chambers, by electing one fourth of its whole number to form a second chamber, or "what is equivalent to our "House of Peers, and called a Laything, or division in which "the deliberative functions of the legislative body are in- "vested." (P. 456.) As the present Storthing comprises ninety-six members, the Laything consists of twenty-four; "the other three fourths," or seventy-two, "constitute the "Odelsting, or House of Commons." (P. 117.) Speaking of the Laything Mr. Laing says,—

"The composition of this House of Lords, which does its business quite as well as a house of bishops, dukes, and barons, may be an object of curiosity to our British Radicals. It consists, in the present Storthing, of eight persons in civil offices, five in clerical functions, two lawyers, and nine bonders or peasants,—in all twenty-four. They are not elected to the Laything with any reference to profession or rank, but simply from the opinion their fellow-members in the Storthing may have formed of their judgement, knowledge, and fitness for deliberative function."—Page 456.

The most remarkable feature in the Norwegian constitution is, that

"The Storthing consists, in fact, of three houses; the Laything of twenty-four members, the Odelsting of seventy-two, and the entire Storthing consisting of the whole ninety-six united in one house. In this latter all motions are made and discussed; and, if entertained, are referred to Committees to report upon to the Storthing. The report, when received back from a Committee, is debated and voted upon; and if approved, a bill in terms of the report is ordered to be brought into the Odelsting. This house entertains or rejects the proposed bill, frames and discusses the enactments, if it is not rejected in toto, and sends it up to the Laything or upper house, to be deliberated upon, approved, rejected, or amended."—Page 457. * * * "The functions of the Laything are not exactly the same as those of our House of Lords, but are more confined. *No bill can have its initiative there*: it can only receive bills from the other house, the Odelsting. * * * It is also the court before which, aided by the Hoieste Ret Court, which is an independent branch of the State. The lower house, the Odelsting, may impeach ministers of State."—Page 456.

As regards the passage of bills through, first, the Odels-thing, and secondly, the Laything, the practice of the Norwegian parliament, except in the more limited functions of the Laything, does not differ from the practice of our own. In the subsequent stage, namely in being submitted to the royal sanction, the constitution of Norway nearly resembles the constitution of the United States, the king having merely a suspensive veto.

"If a bill has passed through both divisions in three successive Storthings, on the third occasion it becomes the law of the land, without the royal assent. The ground-law, sworn to between the king and the people in 1814, fixes and defines this right so distinctly, that it cannot be got over without overturning the compact. It presumes that if during six successive years the nation, by its representatives, three times declare a measure beneficial, the king's ministers must be wrong, and the nation right. This right has not remained dormant: the abolition of hereditary nobility in Norway was made law by its exertion."—Pages 117, 118.

"The Storthing settles the taxes for the ensuing three years; enacts, repeals, and alters laws; opens loans on the credit of the State; fixes the appropriation and administration of the revenue; grants the fixed sums to be applied to the different branches of expenditure, the establishments of the king, the viceroy or members of the royal family; revises all pay and pension lists, and all civil and clerical promotions; and makes such alterations as it deems proper in any interim grants made since the former Storthing. It also regulates the currency; appoints five revisers, who shall every year examine all accounts of government, and publish printed abstracts of them. There are laid before it verified copies of all treaties, and the minutes of all public departments, excepting those of the highest military command. * * * The Storthing receives the oaths of the king on his coming of age, or ascending the throne, or of any regents appointed during a minority; and, in case of a failure of the royal line, it could proceed, as in 1814, to elect, in conjunction with Sweden, a new dynasty."—Page 116.

There are some points of difference between the Norwegian and British constitutions and practice, which we shall merely touch upon. The members of the Storthing receive pay. Wherever this system has been tried, it has been found, in Canning's words, "to work well." Besides the well-known fact that gratuitous service is done slovenly, and that those who are not paid *directly* will seek for payment *indirectly*, the effect of salaried legislators is to extend the field of choice to men of talent and education, who otherwise could

not enter the legislature, owing to the necessity of gaining a livelihood. It would be easy to find numerous instances where men of high endowments would prefer four hundred a year as legislators, to four times four hundred a year gained in any other way.

The Storthing's president, or speaker, takes the chair at nine o'clock in the morning. This could not happen in this country, because honourable gentlemen have their private affairs to attend to. Early hours are a consequence of making legislation a distinct profession, by the abolition of qualification, and by the payment of members.

The mode of taking divisions is thus described by Mr. Laing :

"The mode of taking the votes in the Storthing is by the Ayes standing up in their places, and the Nays sitting still ; or if there is any difficulty in thus making out the numbers, the president takes the votes by the list. There are no right and left sides, no ministerial and opposition benches. *Ya* and *Ney* sit side by side all over the house. Each member usually occupies the same place for the whole session, and has pens, ink and paper before him. There is evidently no such formed party in our parliament."—Page 459.

The last feature we shall notice in the Norwegian constitution is, that no executive officer of government sits in either house of the Storthing. This appears to have been felt as an inconvenience, and "there is a proposition from government " to the present Storthing to remedy this defect, by giving a " seat and right of speaking, but not of voting, to one counsellor of State in each of the houses of the Storthing. This is " approved of by some, as a measure absolutely necessary for " the dispatch of business : others think it contrary to the representative principle, that a member not elected by any " part of the community should take part in the deliberations, " and influence the resolutions, of a constitutional assembly." (P. 460.)

The Norwegian constitution conforms, in this respect, with that of the United States ; the change proposed is in imitation of the practice of France. Mr. Laing is in favour of the former plan ; we incline to the latter. The Norwegians, Mr. Laing tells us, will probably permit the law to remain as it is, as they are generally unwilling to change any part of the fundamental law, the "ground law," fearing the effect the

precedent might have on the Swedish court, which is perpetually striving to gain power and influence in the Storting.

As for the influence to be acquired by speaker, it is of the wholesome and legitimate kind, and should therefore be no bar to the proposed change; the more especially as the advantage of submitting the members of the government to the searching questions of any member is not lightly to be abandoned.

We have now given a connected view of the free constitution of Norway, drawn, as it will be seen, from different parts of Mr. Laing's book. We shall now proceed to describe, as briefly as the subject will admit, the system of judicature which there prevails.

To enable the reader to comprehend the whole scheme of the administration of the law in Norway, we shall first state that the whole country, for legal purposes, is divided into four *Stifts*, or provinces. These again are further subdivided into sixty-four *Sorenscrieries*, or judicial districts, each of which last comprehends several *Prestigiels*, or parishes.

To each of these divisions there is a distinct tribunal, with a supreme court of ultimate appeal for the whole kingdom, sitting at Christiania. The lowest court, one not of law but of equity, is the parish Court of Mutual Agreement, an admirable institution which we shall presently describe. The next is the Court of the Sorenscriver, or sworn writer: this is the lowest court of law, and has jurisdiction over a sorenscrivery, as above indicated. The court next above is the *Stift Amt* Court, or that of the province; and lastly, there is a court of final appeal, the *Hoieste Ret* Court, located at Christiania.

The parish Court of Mutual Agreement, which appears to us to be the wisest institution of the kind in Europe, is thus described by Mr. Laing:

"In every parish the resident householders *elect* every third year, from among themselves, a person to be the commissioner of mutual agreement. He must not practise law in any capacity, and his appointment is subject to the approval of the amtman or highest executive officer of the district. In towns or large and populous parishes there are one or more assessors or assistants to the commissioner, and he has always a clerk. He holds his court once a month within the parish, and receives a small fee of an ort (ninepence) on entering each case. Every case or law-suit whatso-

ever must pass through this preliminary court, where no lawyer or attorney is allowed to practise. The parties must appear personally, or by a person not professional. Each states his own case, and his statement is entered fully, and to his own satisfaction, in the protocol of the commissioner, who must then endeavour to bring the parties to an agreement, by proposing some middle course upon which both may agree. He acts, in short, as a private arbiter would do, and gives his opinion or judgement accordingly. If both parties agree to his finding or advice, it is immediately taken to the local court of law, or Sorenskriver's Court, which is also held within each parish, to be sanctioned, revised as to rights of any third parties, and registered; and it has, without expense, the validity of a final decision."—Page 219.

If parties cannot be brought to agree, they may go to the lowest legal court, that of the sorenskriver. The sorenskriver is compelled to hold a court in every parish or prestigield of his sorenskrivery or district, once in every quarter. He has jurisdiction in matters criminal as well as civil.

"The sorenskriver's court is of great importance. Besides judging civil and criminal affairs, it is also the court of registration for all debts affecting property in his district, and for ascertaining the value of, and the succession to, all property of deceased persons, according to the Udal law of succession. It is necessarily, therefore, a jury court."—Page 224.

The Stifts Amt Court, which is the next superior court to that of the Sorenskriver, is thus constituted:

"It consists of three judges with assessors, is stationary in the chief town in each of the four stifts or provinces into which Norway is divided, and is the court of appeal from all the Sorenskriver's Courts in the province, and has also the revision of their administration. In all criminal matters whatsoever the sentence of the Sorenskriver's Court is sent up to it, before it is pronounced, to be revised and sanctioned."—Page 229.

The Hoieste Ret Court, as we have already stated, is the court of final appeal. It consists of seven judges, and "by the ground law is one of the three estates of the constitution, and is independent of the executive and legislative branches." (P. 333.) To this court appeals are carried from the Stifts Amt Courts in criminal as well as civil cases.

But the most remarkable feature in the jurisprudence of Norway is, that "the judge is responsible for his legal decision. Upon an appeal from it to a higher court, he must defend it there, and is liable in damages for a wrong decision." (P. 334.)

The code of which the responsibility of the judges forms part was promulgated in 1687: it merely embodied the old

laws then in force; and since the date just quoted, the responsibility of the judges "has been rather sharpened than blunted."

This remarkable principle certainly runs counter to all our accustomed feelings on the subject; and yet, when we ask ourselves for good and sufficient reasons in justification of those feelings, we find ourselves bound to class them among what some one has called "respectable prejudices." As far as the well-being of the community is concerned, it cannot be denied that a remedy against a wrong decision—nay more, a means of preventing wrong decision—is desirable. What so likely to be efficient as rendering the judge personally responsible? The most prominent objection is, that persons would be slow to accept the office of judge in such a case. But Mr. Laing tells us, "in Norway there is no want of able lawyers as candidates for judicial function, with all its responsibilities. Procurators seek to be *sorenskrivers*; advocates aspire to be judges in the *Stifts Amt Courts* or "*Hoieste Ret Court*." (P. 239.)

One thing is certain, that with responsibility judges would never permit the law to remain in the frightful state of confusion in which it now is in this country. The common law would be gradually embodied in statutes: statutes would be consolidated; until, at last, the difficulties in the way of codification, which some men deem now almost if not quite insuperable, would vanish. With our laws in a more defined and certain state, responsibility seems to be at once robbed of its terrors. However, this is a question which must not be discussed incidentally; it demands exclusive and most grave consideration.

Another remarkable feature in Norwegian jurisprudence, and one not unworthy of adoption in this country, is, that

"Loss of honour has been, from the earliest times, a specified effective punishment in the criminal law of Norway, standing next in degree to loss of life. The possession of property naturally diffuses through all classes the self-respect, regard for character and public opinion, circumspection of conduct and consideration for others, which flow from and are connected with the possession of property, and render these influential on the morals, manners, and mode of thinking of the whole body of the people. * * * The exclusion from these affairs and functions, (such public functions as devolve on the people,) which of course the le-

gal sentence of loss of honour produces, is a punishment so severely felt, that there are instances of culprits, after that portion of their punishment consisting of slavery for a certain period had been completed, returning to their chains, committing for the purpose some petty offence, rather than live as outcasts under the sentence of dishonour among their former friends."—Page 231, 232.

With a constitution free as that of Norway, the reader will be prepared to learn that the press is perfectly free. Nor can it well become otherwise, as it is one of the articles of the "ground law." This is as it ought to be. The people choose their representatives: to choose properly they must know the acts of those representatives; without a free press how are they to obtain this knowledge? A taxed press is therefore an anomaly where a representative legislature has existence. In Norway a daily paper costs 28*s.* per annum, and Mr. Laing says they furnished "his most instructive reading:" in this country the tax amounts to 26*s.*

We have been so extremely anxious to present our readers with as complete a view of the social and political state of Norway as our limits would permit, that we have left ourselves but little room to touch upon a variety of interesting topics which are treated by Mr. Laing at length. Some few however we cannot wholly omit, though we must necessarily be exceedingly brief.

Mr. Laing is a practical agriculturist, and his observations on the state of agriculture in Norway are extremely valuable. We shall only remark, in general terms, that cultivation is not in so high a state as in England, where, to use the words of Mr. Laing, corn, cattle, etc. are a great manufacture, in which enormous capitals are invested, and which can at all times find a ready market. In Norway however, where almost every man is both producer and consumer, where the town population is small compared with that of the country, a steady market is a thing unknown. But although tillage be not in the highest perfection, happiness is. It may be that small proprietors do not make the best farmers.

"But a population may be in a wretched condition, although their country is very well farmed, or they may be happy although bad cultivators. The country around Rome was certainly better farmed under the Romans than it is now under the Pope. Was it a happier country then, when all the agricultural labourers were slaves, working in chains,

and driven to and from their work like beasts of burthen? Our West India colonies were better farmed under the slave system, especially when fresh slaves could be imported from Africa, than probably they can ever be by free labour. Which is the happiest state of the population? * * * Our agricultural writers, indeed, tell us that labourers in agriculture are much better off as farm servants than they would be as small proprietors. We have only the master's word for this:—ask the servant.”—Page 37.

The question is, after all, one of population,—that is, of proportion of people to land and capital. The manner in which the Udal tenure operates, in keeping down numbers, has been already fully explained. We are firm believers in the doctrine that “the restraints of property” are, more than all other things, efficient as a check upon population.

To supply the want of a regular market for grain, and of a regular class of dealers, by whose instrumentality the surplus of one district or one season may be rendered available for the supply of another district or season, the Norwegians have a remarkable expedient in what Mr. Laing calls a “Corn Bank.” It is a species of depôt of mutual assurance, a species of office of deposit and discount, where the medium is not money but grain. The farmer who has grain to spare deposits *eight* bushels, and can take out *nine* at the end of twelve months. This is equivalent to a dividend of about twelve per cent. If he require a loan, say a discount, he has to repay *ten* bushels for every *eight* he takes out: the difference between the rate charged and the rate received pays all expenses. It is entirely under the management of the bonder or peasant proprietors. In the duchy of Mecklenburg there is a species of mutual assurance establishment called a *Credit-Verein*, where the proprietors pledge their estates for mutual accommodation. Indirectly it operates as the Norwegian corn banks do, but through the intervention of a market and a market price. It checks great advances and great declines; in other words, it equalizes price, and therefore consumption and supply; and in fact takes the place of the active operations of the competition of buyer against buyer and seller against seller.

Education is very generally diffused, and there is a small tax for the support of district schools; but the higher class of university education is unaccountably expensive. From the general diffusion of periodical publications Mr. Laing infers

that there is a very extensive reading public. One word here to the Bible societies. Whilst Mr. Laing found no difficulty in procuring many useful books, Bibles could not be found, either among the booksellers of Drontheim (p. 112), or the book-dealers at the fair of Levangor (p. 243); and the reason given in both cases was the same, namely that they dared not supply themselves in the usual way of trade for fear of being undersold. An amateur or dilettante trade is not likely to be nearly so regular, nearly so well adapted to the demand, as one which is regulated by the ordinary interests of trades. No one has any great interest in the due distribution, and accordingly it does not take place. Left to the ordinary operation of private interest there is no fear of the demand not being adequately supplied. The only effect produced by the operations of the societies who profess to diffuse the Scriptures is, that they "have evidently been driven out of the market" (p. 243).

The worst feature, perhaps the only bad one, in the institutions of Norway is that trade is not free. Each trade is monopolized by a sort of guild or fraternity, by which even country dealers are licensed; so that in this respect, but in this only, the Norwegians are in the same abject state of ignorance as a London alderman.

Two faults only we have to find with Mr. Laing; the first is, that his antiquarian disquisitions (always, however, acute and interesting,) are sometimes carried too far. By this we mean that in tracing the Norwegians to the East by means of the analogies of language, he contents himself with insufficient evidence, and does not give weight enough to physical conformation. The reader will do well, while reading Mr. Laing's eighth chapter, to have Blumenbach and Lawrence at his side.

The other portion of Mr. Laing's book to which we object is the coolness with which he speaks of the probable seizure of the country north of the 62nd degree of latitude by Russia. If England be bound to respect the integrity of the Norwegian kingdom in one case, she is in another; and the necessity of an Atlantic port to Russia would certainly be no justification of a glaring aggression, which we apprehend all the powers of Europe would be interested in preventing. This

is only a case of that most mischievous fallacy, that "the end justifies the means."

In spite of these two defects we take leave of Mr. Laing's book with regret. The task of reviewing the work has been one of really vivid pleasure. We have seldom met with so much that is valuable in a single volume; and we have no hesitation in saying, that its perusal should be deemed a paramount duty by all whose station involves any degree of influence over the destinies of their fellow-creatures.

ARTICLE II.

Imaginary Conversations of Literary Men and Statesmen. By

WALTER SAVAGE LANDOR, Esq. 3 vols. 8vo, 1826-8.

——— *Second Series*, 2 vols. 8vo, 1829.

Pericles and Aspasia. By WALTER SAVAGE LANDOR. 2 vols.

12mo. Saunders and Otley. 1836.

AN author who presents himself to the public in an unusual dress, partaking neither of the lighter nor the more solid fashions of the literature of his age, must make his way to notice by native force and elasticity of character; since men resist nothing so pertinaciously as novelty, in works of argument or imagination. Schiller describes the "literary artist," who has a true spiritual commission to enlighten and instruct his generation, as "the enemy of his age;" and, were other proofs wanting, the literary history of this century alone would show, how surely clamour and opposition await the first appearance of genius on the intellectual horizon, and how reluctantly they give way to its final ascendancy. Genius is solitary and singular; and any writer who does not embrace a side, or wear the colours of party, has every side and party against him, as in a religious war the neutral and the moderate are persecuted and plundered by each belligerent. We are sufficiently tolerant of known and established differences in opinion; but novelty in either form or sentiment gives an

unpleasant shock to our indolence or self-love, and we directly quarrel, not with ourselves for having slumbered, but with those who awaken us.

The author of the "*Imaginary Conversations*," having read both men and books attentively, must have been aware of this common tendency; and therefore, when he first published them, could hardly have expected any immediate popularity for his works. Had his speculations been confined to philosophy and criticism, he must have awaited at least one turn of the tide before he could take his proper station; but introducing persons and politics, and tracing them with a pen of no common sharpness and strength, the tardy growth of his reputation can have caused him little surprise. The interest however excited by the announcement of his later works proves, that his earlier ones were of materials stout and solid enough to resist the buffetings which every sterling writer must look for when he first presents himself.

Mr. Landor's name has long been associated with whatever is elegant and profound in scholarship and literature; he ranks high for his compositions, both in prose and verse, among the modern writers of Latin, and his English works have confirmed and extended his classical reputation. In both languages, in his poems and in his prose, he is distinguished for a rich imagination, for manifold erudition, and for his peculiar skill in the conception and impersonation of character. His "*Imaginary Conversations*" have rescued some illustrious characters from misrepresentation and neglect, by placing their actions in another light and under new points of view; and if a zealous temper has sometimes led him to extol or decry on insufficient grounds, he has furnished the correction of his error, by awakening curiosity and pointing to the sources of information and inquiry.

The pains bestowed by him on questions of grammatical analogy, and the cultivation of style, are especially valuable at a time when such studies are in general but lightly prized. He has tried the capabilities and added to the harmonies of our language. The example he has set of correct and polished diction will not be followed by many; for it is the result of labour and meditation, not a gift or quality of the mind. His language may sometimes appear too stately, and deficient in

simplicity and ease, but it is always remote from verbiage and free from affectation, and generally borne out by a corresponding weight and energy of reasoning and reflection.

Mr. Landor's reputation has been slowly won ; perhaps it has not yet reached the meridian. He is too massive in the structure of his intellect and his language to move easily or swiftly upon the current of popular favour. His opinions are less the fruits of practical experience, than of learned and leisurely meditation : too steady and reflective for those who seek in books for excitement only, he requires more attention and previous knowledge than such readers are able to bring with them. He is too uncompromising and contradictory to be acceptable to the admirers of the things and powers that be, and too familiar with history and experience to be a good innovator, or to join or start readily a popular cry. They who would follow him must bring with them some reverence for the past, to balance and direct their aspirations for the future. They must be competent to remember and to feel how much we have inherited of intellectual and social order and truth, and how much we are therefore bound to transmit to others unimpaired and improved. Landor is no blind iconoclast, but would rather retain and renovate both image and shrine, than give them over for desecration to the ignorant and interested. His zeal is speedily kindled at the presence or by the apprehension of corruption and abuse ; his sympathies presently awakened by suffering and sorrow ; but remove abuse and lighten oppression, and the tendency both of his heart and understanding is reactive, and inclined rather to steadiness than change.

Other causes however than aloofness from party and singularity of temperament and manner have hindered the general acceptance of his works. The most ready to acknowledge the hand of a master in the "*Imaginary Conversations*" must admit, that some of the opinions advanced in them are eccentric, and many inconsiderate. We do not speak of those only which from their subjects are evidently ephemeral, but of some of graver import and contents. But we are inclined to look upon them as the ebullitions and escapes of an irregular humorousness, which in another edition, to the great improvement of the whole series of *Conversations*, may be reconsidered,

modified or withdrawn. And, after every allowance and abatement, it would be unreasonable to expect the thoughts and language of a great writer to be as smooth and palatable as those of a Scotch professional quarto or a charity-sermon.

We should not however esteem Landor so highly were his merits confined to the successful cultivation of language and style; although to analyse and wield the structure and capabilities of a language is no common power, and requires greater efforts of the understanding, and more solid and various acquirements, than they who neglect such studies are willing to allow. But it is one thing to trim and garnish periods with Seneca and Blair, another to watch over the purity and add to the dignity of a language with Cicero and Burke. The "Imaginary Conversations" merit notice on other and higher grounds; they furnish the historian with studies, the artist with subjects, the critic and the grammarian with new canons and analogies, and the statesman, if he will listen to them, with suggestions of providence and consistency. In his latest work Mr. Landor has undertaken one of the most difficult species of fiction, and one in other hands the least attractive to modern readers,—a story from classical sources. But antiquity with Landor retains its simplicity, and resumes the freshness of its colours and the integrity of its proportions. He does not avail himself of the illusions of name and place to hide poverty of invention, or to mask what is essentially modern in its cast and conception, and what if undisguised would perhaps attract little notice; but he impersonates the wisest and most illustrious of different ages and countries, to give variety and weight to his opinions, and to embody his own conclusions upon many important questions of politics and literature.

Landor's original project was "to give imaginary conversations, first of the ancient philosophers, poets and statesmen, then of the modern; in which there should be discussions on the systems of the ethics, the varieties of style, the defects and excellencies of poetry and poets." It is to be regretted that the original scheme was not adhered to, even if it had not been finally completed; for had only the first portion of it been executed, we should have a series of studies for the artist and the historian, accompanied with intelligent views of ethnic morals, criticisms and poetry. What we have missed may partly be

conjectured from the letters of "Pericles and Aspasia," wherein similar topics are discussed incidentally as they arise. Some of the blemishes also that take from the general excellence of the "Imaginary Conversations," had the first plan been kept to, would perhaps have been avoided. The Holy Alliance, its puppets and showmen, would not have jostled statesmen, philosophers and patriots. We should have been spared some extravagances of humour and spleen by a less frequent mention of the Court of Chancery, and our prospects of antiquity would have been more rarely overcast by the neighbourhood of Pitt and his satellites.

But the departure from the original plan is to be regretted on other accounts than the merely avoiding what is now objectionable in the dialogues. Its completion would have done much to supply a void space in literary criticism, which few have sufficiently diversified talents and learning to fill up. The distinctions of ancient and modern art have been acutely laid down by Lessing, and illustrated by those who took up and carried on his inquiries. But the differences between Ethnic and Christian literature, (for these perhaps are more correct and comprehensive terms than Classic and Romantic,) have never been thoroughly discussed, although portions of them, as the Dramatic by Schlegel, have been intelligently compared. The form indeed of the "Imaginary Conversations" would not have allowed the question to be treated orderly and consecutively; yet, even handled by a variety of speakers, and without any approach to scientific method, it would have been from Landor a valuable accession to philosophical criticism. In politics too we should have gained juster notions of the constitutional governments of antiquity than modern compilers afford; but this portion of the design is less to be regretted, since we now have the histories of Niebuhr and Thirlwall.

In the preface to the first series of the "Conversations" Landor deprecates being personally identified with the opinions advanced in them. "The business of the writer," he says, "is to examine the most interesting and important questions, by the introduction of personages, in some cases the most zealous and enthusiastic, in others the least prejudiced and preoccupied. This method presents occasionally

somewhat like dramatic interest; and where that is deficient or inadmissible, historical facts, biographical characteristics, critical disquisitions, philological observations, and philosophical truths or problems." This method, however well adapted to the purposes of the author, makes it more than usually difficult to determine his proper character and position. How much is merely dramatic in his opinions? and what proportion of his own sentiments has he attributed to his imaginary interlocutors?

Mr. Landor has furnished a clue which, if it will not solve every doubt as to the proprietorship of the opinions in the dialogues, will help us to form a pretty exact estimate of his station and character as a writer. In his dedications and prefaces, in supplementary pages to some conversations, in notes to others, he has spoken in his own person upon subjects connected with or arising from the dialogues, and in general consonance with them: sometimes too he takes part in them himself. By comparing then what comes from the author, with what he assigns to his imaginary speakers, we shall be in no danger of attributing to him any opinion or proposition he may have disclaimed.

"My political opinions are my only ones, beyond square demonstration, that I am certain will never change. If my muscles have hardened in them and are fit for no other, I have not on this account the right or inclination to consider a friend untrue or insincere, who declares that he sees more of practical good in an opposite quarter to that where we agreed to fix the speculative; and that he abandons the dim astounding majesty of mountain scenery, for the refreshing greenness and easy paths of the plain. I have walked always where I must breathe hard, and where such breathing was my luxury; I now sit somewhat stiller, and have fewer aspirations, but I inhale the same atmosphere yet."

"Reference to the virtuous and valiant of ancient days is pedantic, admiration of heroism is puerile; nevertheless I walk straight across the stubble-field, whatever may stick to me, burr or briar, keeping in view the distant scenery that always has captivated and delighted me."

We have taken these sentences from different parts of Mr. Landor's works, published at different times, since they convey characteristically and briefly the peculiar tone and temper of his mind. The ethical and political portions of the dialogues are the first to attract notice and inquiry, as being the most generally interesting, although equal vigour and comprehension of thought are displayed in those which relate to the calmer subjects

of literature and criticism. There is some difficulty however in accurately stating the articles of Landor's political creed ; not so much from any confusion or inconsistency in them, as from their being of no acknowledged denomination or party in either church or state. He cannot properly be termed an eclectic, since he makes no compact or convention with his opponents for mutual indulgence and admission ; neither is he a dogmatist, in the common spirit of party, for he thinks too comprehensively, and his acquaintance with the past is too solid and general, to allow of his being onesided either in feeling or in understanding. His temperament is aristocratic, his arguments and aspirations are liberal and popular ; perhaps some of the lines of his own character are to be found in his portraiture of Alfieri. He is more likely to be understood now, than when he first appeared as an author ; some of the prejudices most adverse to his views have lost their hold or disappeared ; the nature of religious toleration is better known, civil rights are more equally distributed, and many of the obstructions that met all who entertained similar sentiments with Mr. Landor's have been broken down and carried away by the steady pressure of public opinion. The basis of political action is wider, and its path and tendency better regulated and determined, than when the voice from the "Imaginary Conversations" was first uplifted. This is not the place to reckon up our gains or losses in the theory and practice of government and legislation ; but the general state and circumstances of Europe twenty years since should be remembered, in drawing a just estimate of the political value of these dialogues.

The long wars that followed the French Revolution, the anomalous dynasty that sprung from the ferment and subsidence of its eruption, the conflict of new and old, of rottenness with hollowness, that agitated the whole of Europe, and the sudden downfall of the prime instrument of violence and change, produced effects upon the political system which few either of the people or their rulers had steadiness to contemplate or presence of mind to comprehend. The old method of governing by hereditary parties or privileged orders at home, and abroad by the nice adjustment of a conventional balance, was annihilated in some countries and weakened in

all. Some kingdoms, like Prussia, derived strength and closer union from the shock ; in others, as in Spain, a spirit that had slumbered for a century beneath the drowsy pressure of the government was awakened, and would not be put to sleep again. England, under an exclusively Tory administration, listened more willingly to the proposals of sovereigns and cabinets, than to any popular pleas or remonstrances. To prevent a renewal, remote or near, of the calamitous scenes they had so recently witnessed, seemed naturally so important an object to all classes of men in every nation, that any plan for restoring order and permanence to the political system of Europe seemed preferable to further innovation. But in their zeal to settle and tranquillize, the planners of the future order of things forgot to inquire whether the elements of society were the same, and admitted of being dealt with in the same way, as formerly. They forgot to ask, whether any new classes had in the interval risen into political existence ; whether any of the old ones had dwindled away, or become unnecessary ; whether, in short, the sum of rights and claims of exemptions and duties had undergone any material changes, or remained the same. Hence, although charters and constitutions were vouchsafed to some states, others were required to resume their former condition ; and by some ill luck it happened, that those whom change would have benefited were the very people to whom it was forbidden. In this game of fast and loose one cool and wary gamester alone was the winner ; one or two others pocketed their stakes, or declined repaying what had been staked for them ; the rest went home with decorations, snuff-boxes and the costs. The new political edifice looked well, and was thought to do credit to the workmen employed upon it ; nor did those who had secured the best apartments in it make any complaints of their quarters. But it was found before long, and after a little foul weather here and there, that in some parts the foundations were bad, in others that the walls were settling and cracking ; and that the whole building, excepting as before certain corners of it, was in urgent need of repair. It was found too that an unruly and mischievous spirit had entered into some of the tenants, formerly the most remarkable for quiet and peaceable demeanour. There was no question about the proper remedies, and little

time to be lost in applying them. The master-builders formed an alliance to ensure the durability of their work, and to restore as much as possible the good times of order and acquiescence. Some also, whom the rules and circumstances of their own establishment did not allow to join the alliance conveniently, approved of it and subscribed toward its maintenance. All inquiries into the state of the foundations, the pay of the workmen and the state of the interior, together with any general questions that might lead to particular inferences, were strictly forbidden, and noise and irregularity on the part of the inmates promptly punished.

These things will not be an allegory to any one who has studied the history of Europe from the fifteenth to the thirtieth year of the present century. The period was less remarkable for political crimes, although national faith was not very scrupulously observed by powerful states toward weak ones, than for supineness and indifference to the symptoms of popular feeling. An empire, already dangerous from the extent of its territories, its position and resources, was allowed to strengthen its frontiers by new acquisitions, and to reap unmolested the fruits of a steady and sagacious policy, which, if subtilty were wisdom, would merit the highest praise. The opportunity was lost by constitutional governments of raising up around them smaller states, as the natural barriers against the encroaching tide of solitary empire. Free communities, that call forth the personal energies and intelligence of their citizens, were pushed back wherever they emerged. Even the former system of international policy, which the French revolution broke down, was more tolerant of the names of Republic and Confederation than the new one. It matters not that some of the peoples who attempted to govern themselves were unfit for the task; their helplessness and degeneracy should have moved provident statesmen and more fortunate nations to lift them up slowly and considerately, instead of consigning them to empires already too large, as apanages for the younger members of their royal families. All however were not unfit; for there were some that had municipal institutions, representative forms and national laws, which required only the pressure from above to be removed to resume their ancient efficacy and life. But the ban against popular forms and na-

tional recollections was enforced without exception or favour; atheist and republican were declared to be convertible terms, and, by a useful prejudice, the interests of this world were identified with the hopes and conditions of the next.

It was necessary to refer to the history of Europe within this period, to introduce intelligibly any account of the political sentiments that appear in the "Imaginary Conversations," and in the Appendix to "Pericles and Aspasia," not the least remarkable or important part of the book. To historians or statesmen of the prerogative school Landor's writings must seem like the world turned upside down; for while legislators and philosophers are made to discourse like reasoning and reflecting men, whatever is absurd or trivial or preposterous is attributed to kings and their ministers. This however is not intellectual jacobinism, that would bring everything down to its own level: nothing is more remote from the author's habits of mind. But he constantly aims in his ideal portraits at separating real from conventional dignity: careless whether it presents itself in a coat of frieze or of silk. Hence it comes that many names are mentioned with honour in these dialogues, which at court or on change, in the universities and in the circles of fashion and literature, are but coldly repeated, when they are repeated at all. A person unacquainted with Mr. Landor's writings might justly wonder, upon first opening them, into what company he had come; he might attribute to the classical partialities of a scholar the frequent recurrence of ancient names in the titles of the "Conversations": he would account for the presence of others, taken from the pages of modern history, by recollecting that "biographical characteristics" were part of Mr. Landor's plan. But he would express or feel some surprise at the singular taste and judgement of a writer who so often brings forward Spaniards, Americans, and modern Greeks, discoursing upon the highest matters of church and state. Yet in the dialogue between Washington and Franklin are to be found some of the author's shrewdest suggestions on points of legal and ecclesiastical reform: in that between Lascy and the curate Merino occur his sentiments upon the most useful and beneficent form of government for Spain; and in those between Odysseus and Trelawney and Lopez Baños and Alpuente he details the faith and

policy of the more powerful European states in their dealings with the weaker.

It will be perceived already that political economists, and some popular writers of history, will find little in the "Imaginary Conversations" to confirm or favour their views. The tendency of these dialogues is to assert the preeminence of man over station and circumstance, of laws over arbitrary distinctions between man and man; of governments which rest upon the intelligence and activity of their subjects and citizens, above those which exist by the carelessness or indifference of the governed. If these notions seem to be derived from the past rather than from present experience, still they are valuable as helping to view the question from an opposite point to the received one. They may remind the historian that men are neither masses nor quantities, to be shifted and transported, to be added to and subtracted from, at the will and convenience of a fraction of themselves: they may suggest to the economist that money is not the only form of national wealth, that home-happiness may be a worthy object of legislation, that national education is a neglected but an urgent duty of the state, and that a splendid court or a colossal church are not always proofs of substantial prosperity.

Having stated our agreement with many of Mr. Landor's political sentiments, we must enter our protest against others of them. His earnest sympathy with the Greek cause has led him into some strange inconsistencies respecting Russia. The mere facts of belonging to the same church, and of thinking alike upon the divine procession and image-worship, seem in Mr. Landor's eyes to convert the most crafty and encroaching power in Europe into the most liberal and humane. He who from his ideal vantage-ground hurls his bolts against kings and ministers, prelates and congresses, is taken on a sudden with an odd fancy of bepraising the emperor Nicholas, and of expecting from him a new æra of salvation and freedom for an oppressed race! Much allowance is perhaps to be made for the hopes of one so zealous in the cause of liberation, and for his concentrating them on one point, when in all other quarters he had seen them baffled and fruitless. But, in the wide range of his historical studies, can Mr. Landor have so entirely neglected the page of Russian history, as not to have learned

that, whatever may be the personal character of the sovereign, the character of the government remains unchanged; and that, however absolute in other respects the emperor may be, in his foreign policy he is but the steersman of a ship whose course has been laid down for him, and whose instructions are to perform the voyage as compendiously and with as much secrecy as possible.

We dissent also from his antipathies to Pitt and Canning, as extravagant and unjust; from his prejudices against Fox, and the Whig party of his time, as immoderate and not always intelligible. The faults committed by these party-leaders were less those of the individuals, than of the systems they found and followed. Clubs and family connexions were the cradles of the statesmen, the fingerposts of the administrations of the day. Whigs and Tories halved an oligarchical principle between them, and contended for the predominance of their respective sections. Neither Pitt nor Fox could look over and beyond their age, like Chatham or their contemporary Burke: they could only direct its passions and embody its prejudices. But when Mr. Landor would have us take Pitt for a man unversed in literature, and even hostile to it,—when he draws him systematically profligate and low-minded,—when, overlooking Fox's oratorical powers, he points to his historical performances,—we lament that such nebulae should be found upon the broad and luminous disk of the "*Imaginary Conversations*:"

"Quodcumque ostendis mihi sic, incredulus odi."

Although philosophical questions are introduced, these dialogues are not strictly speaking philosophical: they are demonstrative and didactic, but dialectic reasoning does not enter into their plan. Whatever of dramatic interest is to be found in the *Philosophical Dialogue* arises from our anxiety to discover how the argument, after all its curves and windings, is to end: personal character, wherever it is displayed, is developed from within; the distinctions of the interlocutors are intellectual. But in the "*Imaginary Conversations*" the arguments are modified by what is known historically of the personages introduced: there is in them somewhat of dramatic identity as well as interest. We come to know the different speakers as in a picture, not merely by what

they are made to say, or by the sides in disputation they assume.

We have not produced any vouchers for the opinions we have expressed upon the "Imaginary Conversations." This form of composition is less easily illustrated by extracts than any other. The shorter dialogues, although many of them are of great excellence, would not give a full impression of the author's manner, nor of his various powers of fancy and humour, of wit and invective, of passion and pathos, of reason and imagination; they would not display the depth of his learning, the extent of his resources, nor his orderly and apt employment of them. The longer exceed our limits. Of some we have already indicated the subjects; and many upon popular and interesting topics are too well known, and have been too long before the public, to render any fresh mention of them necessary. For exhibiting however the widest range of thought, the most felicitous illustrations, and most equal and harmonious language, we should refer to the *Conversations* between Marcus and Quinctus Cicero, between Penn and Peterborough, Leopold and the President du Paty, Sir Philip Sidney and Lord Brooke. This last is the most graceful exposition of the art of contentment and a happy life that ever came forth from the most evenly-balanced philosophy; it has the tenderness of Epicurus without his materialism and darker speculations, and the sweetness of Taylor when he lays aside his polemics. Of those into which passion and pathos enter, rather than reflection and argument, we would point to Tiberius and Vipsania, Hannibal and Marcellus, Lady Lisle and Elizabeth Gaunt. For argumentative discussion, we should distinguish Barrow and Newton, Dio- genes and Plato, Johnson and Horne Tooke. For the quiet presence of beauty, meditative, retired and contented, we should turn to Milton and Marvel, Ascham and Lady Jane Grey, and to the *second* dialogue between Demosthenes and Eubulides. For legislative speculations, to Romilly and Percival, Rousseau and Malesherbe, and Washington and Franklin; for ecclesiastical, to King James and Casaubon. Whether in an English park, in the pleasant town of Ashbourne with Izaak Walton, Cotton, and William Oldways,—on the cathedral-green at Arezzo with Chaucer, Boccacio, and Pe-

trarca,—among mountain-holds with Odysseus,—in Barrow's study, or with Ludlow contemplating the grave of Blake in Westminster Abbey,—the *genius loci* is always present and propitious to the imagination of the author and to the perception of his readers.

This enumeration however is incomplete ; for if it includes the most remarkable of the "Conversations," it specifies only their leading characteristics, and omits much of what is contained in them. In the gravest, reflection and reasoning are lightened and illustrated by episodes of humour, that reminds us in its quaint and hearty tone of the old comedy : those which partake most of beauty and pathos abound also in sterling and strenuous thought ; and the lightest and most ephemeral in their subjects are redeemed from levity by some pointed truth or some apt application. It would be equally impossible also to convey by extracts a notion of the fertility and happiness of Mr. Landor's illustrations : they fix time and place, country and character, indelibly ; they are not merely metaphors, or the dress and imagery of the thoughts, but proofs and analogies unexpectedly brought forward and ingeniously discovered ; they surprise us into conviction when our decision is in suspense. Sometimes they have the homely truth of a Flemish picture, and sometimes they are fetched from the furthest regions of the imagination : they are witty and profound, and not only help the thought but surmount and inclose it : they detect new properties in fancy, and lead to new combinations of it.

We have always regarded the dialogue between Marcus and Quinctus Cicero as the most perfect of the "Imaginary Conversations" ; partly because Mr. Landor moves with more ease, energy and self-possession through the regions of antiquity than elsewhere ; and partly that, although in others he may have displayed more passion or humour, or acuteness, in none has he identified so completely his ideal portraiture with historical truth. It is a solemn valediction to all he had known of virtuous and sacred, pronounced by the greatest statesman of Rome, the evening before his death, over the ruins of the republic he had preserved and sustained singly and so long in evil days and amid evil tongues. The spirits of the brothers, as they walk along the shore of Formiæ for

the last time, become calmer and more closely united to one another, beneath the influence of evening, by the remembrance of the past, and the thought of that security and quietude to which both were drawing near. We can give a few passages only from the conclusion of the dialogue, where its tone grows more earnest as the night closes round them.

"Quinctus.—I see the servants have lighted the lamps in the house earlier than usual, hoping, I suppose, we shall retire to rest in good time; that tomorrow they may prepare the festivities for your birthday. Within how few minutes has the night closed in upon us! Nothing is left discernible of the promontories, or the long irregular breakers under them: we have before us only a faint glimmering from the shells in our path and from the blossoms of the arbutus.

"Marcus.—The Circean hills, and the island of Parthenope, and even the white rocks of Anxur, are become undistinguishable. We leave our Cato and our Lucullus, we leave Cornelia and her children, the scenes of friendship and the recollections of greatness, for Lepidus and Octavius and Antonius; and who knows whether this birthday, between which and us only one other day intervenes, may not be, as it certainly will be the least pleasurable, the last!

"Death has two aspects; dreary and sorrowful to those of prosperous, mild and almost genial to those of adverse fortune. Her countenance is old to the young, and youthful to the aged: to the former her voice is importunate, her gait terrific: the latter she approaches like a bedside friend, and calls in a whisper that invites to rest. To us, my Quinctus, advanced as we are on our way, weary from its perplexities and dizzy from its precipices, she gives a calm welcome, let her receive a cordial one.

"If life is a present, which any one, foreknowing its contents, would have willingly declined, does it not follow that any one would as willingly give it up, having well tried what they are? I speak of the wise and reasonable, the firm and virtuous; not of those who, like bad governors, are afraid of laying down the powers and privileges they have been proved unworthy of holding. Were it certain that, the longer we live, the wiser we become and the happier, then indeed a long life would be desirable: but since on the contrary our mental strength decays, and our enjoyments of every kind not only sink and cease, but diseases and sorrows come in place of them, if any wish is wise, it is surely the wish that we should go away, unshaken by years, undepressed by griefs, and undespoiled of our better faculties. Life and death appear more certainly ours than whatsoever else: and yet hardly can that be called so, which comes without our knowledge, and goes without it; or that which we cannot put aside if we would, and indeed can anticipate but little. The former there are few who can regulate in any way, none who can order what it shall receive or exclude. What value then should be placed upon it by the wise, when duty or necessity calls him away? or what reluctance should he feel on passing into a state, where at least he must be conscious of fewer checks and inabili-

ties? Such, my brother, as the brave commander, when from the secret and dark passages of some fortress, wherein implacable enemies besieged him, having performed all his duties and exhausted all his munition, he issues at a distance into open day.

"Everything has its use; life to teach us the contempt of death, and death the contempt of life. Glory, which among all things between stands eminently the principal object, altho it has been considered by some philosophers as mere vanity and deception, moves those great intellects which nothing else could have stirred, and places them where they can best and most advantageously serve the commonwealth. Glory can be safely despised by those only who have fairly won it: a low, ignorant, or vicious man should dispute on other topics. The philosopher who contemns it, has every rogue in his sect, and may reckon that it will outlive all others. Occasion may have been wanting to some; I grant it: they may have remained their whole lifetime like dials in the shade, always fit for use and always useless; but this must occur either in monarchical governments, or where persons occupy the first stations who ought hardly to have been admitted to the secondary, and whom Jealousy has guided more frequently than Justice.

"It is true there is much inequality, much inconsiderateness, in the distribution of fame. The principles according to which honour ought to be conferred, are not only violated, but often inverted. Whoever wishes to be thought great among men, must do them some great mischief. The longer he continues in doing things of this sort, the more he will be admired. The features of Fortune are so like those of Genius as to be mistaken by almost all the world. We whose names and works are honourable to our country, and destined to survive her, are less esteemed than those who have accelerated her decay: yet even here the sense of injury rises from and is accompanied by a sense of merit, the tone of which is deeper and predominant.

"When we have spoken of life, death, and glory, we have spoken of all important things, except friendship: for eloquence and philosophy, and other inferior attainments, are either means conducive to life and glory, or antidotes against the bitterness of death. We cannot conquer fate and necessity, but we can yield to them in such a manner as to be greater than if we could. I have observed your impatience: you were about to appeal in favour of virtue, but virtue is included in friendship, as I have mentioned in my *Lelius*; nor have I ever separated it from philosophy or from glory. On friendship, in the present condition of our affairs, I would say little. Could I begin my existence again, and, what is equally impossible, could I see before me all I have seen, I would choose few acquaintances, fewer friendships, no familiarities. This rubbish, for such it generally is, collecting at the base of an elevated mind, lessens its height and impairs its character. What requires to be sustained, if it is greater, falls; if it is smaller, is lost to view by the intervention of its supporters.

"In literature great men suffer more from their little friends than from their potent enemies. It is not by our adversaries that our early shoots

of glory are nipt and broken off, or our later pestilentially blighted; it is by those who lie at our feet, and look up to us with a solicitous and fixt regard, until our shadow grows thicker and makes them colder. Then they begin to praise us as worthy men indeed and good citizens, but as rather vain, and what (to speak the truth) in others they should call presumptuous. They entertain no doubt of our merit in literature; but justice forces them to declare that several have risen up lately who promise to surpass us. Should it be asked of them who these are, they look modest, and tell you softly and submissively it would ill become them to repeat the eulogies of their acquaintance, and that no man pronounces his own name so distinctly as another's. I had something of oratory once about me, and was borne on high by the spirit of the better Greeks. Thus they thought of me; and they thought of me, Quinctus, no more than thus: they had reached the straits, and saw before them the boundary, the impassable Atlantic of the intellectual world. But now I am a bad citizen, and a worse writer: I want the exercise and effusion of my own breath to warm me: I must be chafed by an adversary: I must be supported by a crowd: I require the forum, the rostra, the senate: in my individuality I am nothing.

"*Quinctus*.—I remember the time when, instead of smiling, you would have been offended and angry at such levity and impudence.

"*Marcus*.—The misfortunes of our country cover ours. I am imperceptible to myself in the dark gulph that is absorbing her. Should I be angry? anger, always irrational, is most so here. These men see those above them as they see the stars: one is almost as large as another, almost as bright; small distance between them: they cannot quite touch us with the forefinger; but they can almost . . . and what matters it! they can utter as many things against us, and as fiercely, as Polyphemus did against the heavens."

.....
 "*Quinctus*.—Excuse my interruption. I heard a few days ago a pleasant thing reported of Asinius Pollio. He said at supper, your language is that of an Allobrox.

"*Marcus*.—After supper, I should rather think, and with Antonius. Asinius, urged by the strength of instinct, picks from amidst the freshest herbage the dead and dry stalk, and doses and dreams about it where he cannot find it. . . . Acquired, it is true, I have a certain portion of my knowledge, and consequently of my language, from the Allobroges: I cannot well point out the place; the walls of Romulus, the habitations of Janus and of Saturn, and the temple of Capitoline Jove, which the confessions I extorted from their ambassadors gave me in my consulate the means of saving, stand at too great a distance from this terrace.

"*Quinctus*.—Certainly you have much to look back upon, of what is most proper and efficacious to console and elevate you: but to leave behind us our children, if indeed they will be permitted to stay behind, is painful.

"*Marcus*.—Among all the contingencies of life, it is that for which we

ought to be the best prepared, as the most regular and ordinary in the course of nature. We bequeath to ours a field illuminated by our glory and enriched by our example : a noble patrimony, and beyond the jurisdiction of Pretor or proscriber. Nor indeed is our fall itself without its fruit to them : for violence is the cause why that is often called a calamity which is not so, and repairs in some measure its injuries by exciting to commiseration and tenderness. The pleasure a man receives from his children resembles that which with more propriety than any other we may attribute to the Divinity : for to suppose that his chief satisfaction and delight should arise from the contemplation of what he has done or can do, is to place him on a level with a runner or a wrestler. The formation of a world, or of a thousand worlds, is as easy to him as the formation of an atom. Virtue and intellect are equally his production ; but he subjects them in no slight degree to our volition. His benevolence is gratified at seeing us conquer our wills and rise superior to our infirmities ; and at tracing day after day a nearer resemblance in our moral features to his. We can derive no pleasure but from exertion : he can derive none from it ; since exertion, as we understand the word, is incompatible with omnipotence.

" *Quinctus*.—Procede, my brother. In every depression of mind, in every excitement of feeling, my spirits are equalized by your discourse ; and that which you said with rather too much brevity of our children, soothes me greatly.

" *Marcus*.—I am persuaded of the truth in what I have spoken. And yet—ah *Quinctus* ! there is a tear that Philosophy cannot dry, and a pang that will rise as we approach the Gods.

" There are two things which tend beyond all others, after divine philosophy, to inhibit and check our ruder passions, as they grow and swell in us, and to keep our gentler in their proper play : and these two things are, the moderate indulgence of every seasonable sorrow and of every inoffensive pleasure. Nay, there is also a pleasure, humble, it is true, but graceful and insinuating, which follows close upon our very sorrows, reconciles us to them gradually, and sometimes renders us at last undesirous altogether of abandoning them. If ever you have remembered the anniversary of some day, whereon a dear friend was lost to you, or seen to suffer, tell me whether that anniversary day was not purer and even calmer than the day before. The sorrow, if there should be any left, is soon absorbed, and full satisfaction takes place of it, while you perform a pious office to Friendship, required and appointed by the ordinances of Nature. When my *Tulliola* was torn away from me, a thousand plans presented themselves tumultuously or successively, for immortalizing her memory, and raising a monument up to the magnitude of my grief. The grief itself has done it : the tears I then shed over her assuaged it in me, and did everything that could be done for her, or hoped, or wished. I called upon *Tulliola* : Rome, and the whole world, heard me : her glory was a part of mine and mine of hers : and when Eternity had received her at my hands, I wept no longer. The tenderness wherewith I mentioned and now men-

tion her, tho it suspends my voice, brings what consoles and comforts me: it is the milk and honey left at the sepulcher, and equally sweet (I hope) to the departed.

"The Gods, who have given us our affections, permitt us surely the uses and the signs of them. Immoderate grief, like everything else immoderate, is useless and pernicious; but if we did not tolerate, and endure it, if we did not prepare for it, meet it, commune with it, if we did not even cherish it in its season, much of what is best in our faculties, much of our tenderness, much of our generosity, much of our patriotism, much also of our genius, would be stifled and extinguished.

"When I hear any one call upon another to be manly and to restrain his tears, if they flow from the social and the kind affections, I doubt the humanity and distrust the wisdom of the counselor. If he were humane, he would be more inclined to pity and to sympathize than to lecture and to reprove; and if he were wise, he would consider that tears are given us by nature as a remedy to affliction, altho, like other remedies, they should come to our relief in private. Philosophy, we may be told, would prevent the tears by turning away the sources of them, and by raising up a rampart against pain and sorrow. I am of opinion that Philosophy, quite pure and totally abstracted from our appetites and passions, instead of serving us the better for being so, would do us little or no good at all. We may receive so much light as not to see, and so much philosophy as to be worse than foolish.

"My eloquence, whatever (with Pollio's leave) it may be, would at least have sufficed me to explore these tracts of philosophy, which the Greeks, as I said, either have seldom coasted or have left unsettled. Altho I think I have done somewhat more than they have, I am often dissatisfied with the scantiness of my stores and the limits of my excursions. Every question has given me the subject of a new one; the last has always been better than the preceding, and, like Archimedes, whose tomb appears now before me, as when I first discovered it at Syracuse, I could almost ask of my enemy time to solve my problem.

"Quinctus! Quinctus! let us exult with joy: there is no enemy to be appeased or avoided. We are moving forward, and without exertion, thither where we shall know all we wish to know, and how greatly more than, whether in Tusculum or in Formiæ, in Rome or in Athens, we could ever hope to learn!"—Vol. ii. pp. 606, 609, 617—622.

The ethnic portions of the "*Imaginary Conversations*" prepared us to expect, when "*Pericles and Aspasia*" was announced, a work of no ordinary merit, and peculiarly fitted to the genius of Mr. Landor. Passion and partiality, and all the causes that perplex and mislead the judgement, no longer adhere to ancient life. Antiquity, like a city in the long twilight of a high northern latitude, before the stir and tumult of the day are begun, gives to our view its squares and avenues, its temples and palaces, its places of assembly, its

havens and suburbs, with somewhat indeed of indistinctness, but with a quietude and leisure for observation which the presence of life unsettles and obscures. Our expectations have not been disappointed: "*Pericles and Aspasia*" is conceived and executed with a purity and fulness of design, and with a happiness in the ordination of its parts, that enable us to try it by the strictest canons of criticism applicable to this species of fiction.

If Mr. Landor has had few models of any excellence before him in this species of composition, he has not wanted precedents. Few of them however have any noticeable merits. "*Télémaque*," which should never be mentioned without veneration for the author's superiority to his age in all that relates to the freedom of commerce and religious toleration, hardly belongs to the class. Its mythology is a sickly and colourless exotic; its characters are feebly copied from the *Odyssey*. The "*Vie de Sethos*," by the Abbé Terrasson, is cumbrous and uncritical: the author collects and repeats, without selection or method, all the tales he could find in ancient writers about Egypt. The "*Voyages d'Antenor*" are not devoid of fancy, and are elegantly written: but its author was one of those who at the end of the eighteenth century dressed up a shallow and licentious philosophy in the trappings of paganism. Barthélemi's *Anacharsis* is valuable to the scholar for its references, and praiseworthy for the patient industry of its compiler. It would not however deserve notice among works of fiction, had not the Abbé committed a fault, often repeated by some of higher literary pretensions. He makes all Grecian history of one age, and brings together all the great men who were living at the same time, but remote in place, and not likely to meet, merely for the accommodation of his Scythian traveller. Wieland's novels of this kind gained him a high reputation, when first published, but it seems doubtful whether they will retain it. His genius was better suited to the solemnities of chivalry and the pageantry of fairy-land, than to the severer graces of ancient manners. His cheerful fancy, and his easy and musical language, with some dexterity in his plots and scenery, made him acceptable in his own country, and beyond it. He had the facility of a delightful writer, but neither the learning nor the instinctive taste of a correct one.

The story of Valerius is well put together, and is not an inaccurate picture of the society and manners of Rome under Trajan, a period wherein something of the plainness of a better age was united with the refinement of the Augustan; but its effectiveness is diminished by the unnatural stiffness of the style. Works of fiction, from classical sources, have not been uncommon of late in our popular literature. To relish them properly, however, the organ of marvellousness should be strongly developed. Something of distrust or surprise is excited at finding ourselves in the company of an Athenian sage, appointed in his twenty-fourth year to fill the vacant chair of the most flourishing of the later philosophical schools; nor does the surprise diminish, when in the course of his adventures he displays the endurance of a salamander and the agility of a rope-dancer. Our faith is also exercised when we find the principal manager of a temple of Isis in a Greek city, bearing a Median name and boasting of his descent from the Pharaohs, and when the said Egypto-Median has such useful and potent instruments within call, as a witch, an earthquake and an eruption of Vesuvius.

A writer of secondary rank and reputation may attract notice by a fashionable novel or a romance; but it requires great popularity, or great excellence, to succeed in a story upon a classical subject. They who in after life continue the studies of their early education are few in number; and, being in possession of the substance, do not perhaps greatly care for representations of it. Those, on the other hand, who resort to fiction as to a species of excitement, wish to have it on the easiest terms, and delight neither in being sent back to their imperfect or unpleasant recollections of Demosthenes and Cicero, or of Virgil and Homer, nor in being called upon to enter on a new train of objects and associations. The imaginative connections of a classical story are more difficult to follow and retain than those of a novel or romance. They require more intellectual exertion than is consistent with the purposes of ease and amusement. There is indeed a way of new-vamping the antique that gets rid of some of these inconveniences, by introducing the light and everyday characters that float on the surface of society, with now and then one of a tragic or melodramatic cast in a tunic or a toga; and

by "calling a rose a *gul*, and a nightingale a *bulbul*," antiquity may be made as easy of comprehension and delectable as any picture of modern life. But this is masquerade, and not representation, and passes off as easily, and with as little effort to the parties invited, as those motley assemblies themselves.

But a picture of antiquity by Mr. Landor is not so easily composed, nor can it be taken in at a glance, nor turned away from without further notice and consideration. It is worthy of attention both for itself and for the reflections it suggests and inspires. We derive from it clearer views of what constitutes a true and consistent representation of times and manners so opposite to our own, and hints equally useful to the artist and the historian, of what they must reject and what admit, in producing a faithful resemblance to the antique. The conditions of this excellence are, an imagination that, even in its widest range, moves in obedience to a strict law of synchronism; which not only admits nothing in the copy unknown or foreign to the original; but even in the remoteness of antiquity can discern distinctions of times and shades and differences of manners, and refuses, for any prospect of being more brilliant and effective, to depart from the strong outlines and the sober colours of ancient life. An intimate acquaintance, not only with what ancient authors have delivered to us, but with what also they imply or suppose, must furnish the necessary materials. It will not do to make a few hasty meals upon antiquity, but we must derive our daily aliment from it, if it is to assimilate with our minds, and impart to them its form and substance. Fragmentary learning is dangerous to trust to in any subject requiring invention, selection and consistency; it is apt to desert on the first summons, and to betray more secrets than it could ever keep.

We have spoken of Mr. Landor's attainments, of his skill in drawing character, and of the ethnic cast and complexion of his intellect and imagination. How far our views are just may perhaps be seen by a nearer examination of his latest work.

The plan and contents of "*Pericles and Aspasia*," are thus stated in the Advertisement prefixed, which, although brief,

contains more than one useful hint to writers of classical fiction.

“He who opens these letters for a history of the times will be disappointed. Did he find it in a Montague’s or a Walpole’s? and yet perhaps he ran over them with pleasure. If he cannot do the same here, if he regrets that many are wanting of Pericles, let him take comfort in learning by heart the two first “Years” of Thucydides, and in repeating, as he walks along, the sterling and strenuous orations they contain. It is easy to throw pieces of history into letters,—many have done it; but there is no species of composition so remote from verisimilitude. Who can imagine to himself a couple of correspondents sitting down for such a purpose, and never turning their eyes toward any other object? Better stand on the fragments of antiquity and look about us.”

These letters open with the arrival of Aspasia from Miletus at Athens, and close with the death of Pericles in the third year of the Peloponnesian war. This period, if not the most brilliant, was the most steadily prosperous in the history of Athens. Their heroic age was past; but it was still sufficiently recent to invest the present and the rising generation of citizens with something of the personal glories of Salamis and Plataea. The confederation of which Athens was the head retained all its vigour, and, with few exceptions, its early loyalty to the principles that gave it birth. Neither Sparta, nor Thebes, nor Macedon, nor the feudal aristocracies of Thrace and Thessaly, possessed energy or intelligence enough, or institutions sufficiently compact and solid, to make them equal rivals of the city of Pallas. The constitution of Athens, although expanded and adapted to a wider and a nobler sphere of action than was contemplated in its original structure, or by its earlier modifications, was unimpaired. By retrenching the jurisdiction of the Areopagus it was relieved from the incubus of oligarchy, while the provident firmness of Pericles resisted or corrected all violent and arbitrary change. The executive, conducted by a single hand, gained steadiness, rapidity and precision; and the annual elections of the magistrates subjected the administration to the frequent censure or approval of the people. A strict œconomy in the public offices, and the submission of all accounts, and of all proposals of expenditure, to the popular assemblies for the sanction of the state, enabled the government to practise a wise magnificence in all its foreign relations. Public works and coloni-

sation gratified the pride or the ambition of the wealthier citizens, while they afforded employment and maintenance to the poorer, and drew closer around the state the affinities and affections of all. The moral and social principles that create and perpetually renew the spirit of nationality were not yet undermined by the plague, nor loosened by protracted war, nor by that cosmopolite tendency which, even in the age of Demosthenes and Phocion, was effacing the native lines of the Athenian character. A people never assumed a more imposing attitude than in the war with Persia, nor a more majestic and graceful one than in the age of Pericles.

Aspasia arrives at Athens at dawn on the first day of the Festivals of Bacchus, when the dramatic representations began. The "Prometheus Bound" had commenced, when she entered the theatre in the dress of an Athenian boy.

"In the giddiness of youth, he forgot to tell me that, not being yet eighteen years old, he could not be admitted, and left me on the steps. My heart sank within me, so many young men stared and whispered; yet never was stranger treated with more civility. Crowded as the theatre was, (for the tragedy had begun,) every one made room for me. When they were seated, and I too, I looked towards the stage; and behold there lay before me, but afar off, bound upon a rock, a more majestic form, and bearing a countenance more heroic, I should rather say more divine, than ever my imagination had conceived! I know not how long it was before I discovered that as many eyes were directed towards me as towards the competitor of the gods. I was neither flattered by it nor abashed. Every wish, hope, sigh, sensation, was successively with the champion of the human race, with his antagonist Jove, and his creator Eschylus. How often, O Cleone, have we throbbed with his injuries! how often hath his vulture torn our breasts! how often have we thrown our arms around each other's neck, and half renounced the religion of our fathers! Even your image, so inseparable at other times, came not across me then; Prometheus stood between us. He had resisted in silence and disdain the cruellest tortures that Almightyness could inflict; and now arose the Nymphs of Ocean, which heaved its vast waves before us; and now they descended with open arms and sweet benign countenances, and spake with pity; and the insurgent heart was mollified and quelled.

"I sobbed—I dropt.

— "Everything appeared to me an illusion but the tragedy. What was divine seemed human, and what was human seemed divine.

"An apparition of resplendent and unearthly beauty threw aside, with his slender arms, the youths, philosophers, magistrates, and generals that surrounded me, with a countenance as confident, a motion as rapid; and a command as unresisted as a god.

"'Stranger!' said he*, 'I come from Pericles, to offer you my assistance.'

"I looked in his face; it was a child's.

"'We have attendants here who shall conduct you from the crowd,' said he.

"'Venus and Cupid†!' cried one.

"'We are dogs,' growled another.

"'Worse!' rejoined a third, 'we are slaves!'

"'Happy man! happy man! if thou art theirs,' whispered the next in his ear, and followed us close behind.

"Epimedeia wept over me when I entered her house, and burned incense before the Gods, and led me into my chamber."—Vol. i. pp. 7, 11, 13.

We have allowed ourselves the transcription of an entire scene, as it is one that conveys some notion of the author's manner of delineating ethnic life. There is a frugality of details, a watchfulness over sentiment and object, and a cautious husbandry in description, in these portraiture of antiquity, equalled by Goethe alone, who could represent all things, because in the revolutions of his spiritual growth he had experienced all and impersonated all. As we wish however to exhibit Landor's political and ethical opinions rather than his ideal creations, we must restrict ourselves to graver matters in future, only making room for the presence of Sophocles.

"Aspasia to Cleone.

"Sophocles left me about an hour ago.

"Hearing that he was with Pericles on business, I sent to request he would favour me with a visit when he was disengaged. After he had taken a seat, I entreated him to pardon me, expressing a regret that we hardly ever saw him, knowing as I did that no person could so ill withstand the regrets of the ladies. I added a hope that, as much for my sake as for the sake of Pericles, he would now and then steal an hour from the Muses in our behalf.

"'Lady!' said he, 'it would only be changing the place of assignation.'

"'I shall begin with you' said I, 'just as if I had a right to be familiar, and desire of you to explain the meaning of a chorus in *King Edipus*, which, although I have read the tragedy many times, and have never failed to be present at the representation, I do not quite comprehend.'

"I took up a volume from the table. . . .

"'No,' said I, 'this is *Electra*, my favourite: give me the other.' We unrolled it together.

"'Here it is; what is the meaning of these words about the *Laws*?'

"He looked over them, first without opening his lips; then he read them

* Alcibiades.

† Is this a correct exclamation—at Athens?

in a low voice to himself; and then, placing the palm of his left hand against his forehead,

“ ‘Well! I certainly did think I understood it at the time I wrote it.’ Cleone! if you could see him you would fall in love with him. Fifteen olympiads have not quite run away with all his youth. What a noble presence! what an open countenance! what a brow! what a mouth! what a rich harmonious voice! what a heart, full of passion and of poetry!’ ”
—Vol. ii. p. 55, 57.

Mr. Landor has avoided a common fault with those who introduce historical personages into fiction, that, namely, of pressing into their service all who, by any possible connection or accident, can be brought into the story. Weakly-drawn characters only require to be shown in clusters that they may support and shelter one another; he who is rich in conceptions can alone afford to be frugal of them. In “Pericles and Aspasia” the persons are few, and their arrangement and grouping simple. Cleone of Miletus, Pericles, Anaxagoras, and Alcibiades in his boyhood and early manhood, beautiful as Apollo and wilful as Hermes, occupy the foreground, and supply the action with sufficient variety: these are chiselled with great freedom and beauty; others, as Meton, Euripides and Thucydides, are merely traced. There are several episodes; that of Xenocrates, the rejected lover of Aspasia, himself as vainly beloved by Cleone, connects itself with the story by giving to Cleone a tenderness and grace that make her letters more interesting than even Aspasia’s. Poems, remarks on poetry and anecdotes of poets, observations on dress, on manners and institutions, Greek and Barbarian stories of childhood, of Miletus, and of some who had seen or remembered the Persian in Greece, speeches and letters of Pericles upon the great affairs he had conducted, and his political rivalry with Cimon, his valedictory address, when sinking under the pestilence, to Athens and Aspasia, and Cleone’s death at the tomb of Xenocrates, make up the two volumes.

We forbear extracting any of the numerous poems in these letters, since the pleasure derived from them lies more in the truth of the copy than in its intrinsic beauty. If to give a lively and faithful impression of antiquity be among the most difficult tasks of fiction, the difficulties increase ten-fold when the forms and properties of its poetry are to be represented. Not merely the existence of rhyme with us, and the absence

of metre in its classical sense, produce the dissimilarity; but the purely sensuous nature of ethnic poetry, and its strict reality, make modern attempts to imitate its character, unless executed with the instinctive happiness of genius, as cold and lifeless as the first draught of a landscape before the colours and shading are laid on. Goethe's "*Iphigenia in Tauris*" and Shelley's "*Hymn to Apollo*" are poems of admirable beauty, but their beauty is secondary to the art displayed in their composition. How many images must their authors have rejected, how entirely must the ordinary laws of association have been suspended in their construction! The acutely sensitive Greeks needed no stimulants to passion and pity; the outward forms and the natural relation of objects sufficed them, without that multitude of inward analogies by which we connect the material and the spiritual worlds. The simple imagery and mechanism that satisfied a Greek poet, would subject a modern one to the charge of poverty of conception, if indeed he could construct a poem of such elements at all. The poetry in "*Pericles and Aspasia*" is severely ethnic in its conception: Mr. Landor however has not attempted, like Sir Philip Sidney, to introduce the ancient measures of verse, which do not assimilate with our language; but he has scrupulously observed the higher laws that regulate the choice of sentiments and images. The poems are attributed to many well-known names, the loss of whose lyrical works is among the heaviest detriments of literature,—to Sappho and Alcæus, Myrtis and Corinna, and Cleobuline of Lindos. Apart from the letters they would probably obtain little notice; since, in fulfilling the conditions of ancient art, they have necessarily forgone the most attractive qualities of modern. Considered however as imitative, and as written with reference to the letters, they afford another proof of the accuracy and ease with which Mr. Landor impersonates æras the most distant, and manners the most removed from our own.

The character of Anaxagoras is drawn with a depth of feeling, and a dignity of manner, that remind us of some of the august old men in Raphael's pictures. Tranquil, majestic, patient and truth-loving, he is described by Aspasia, "as the true, firm, constant friend of Pericles; the golden lamp that shines perpetually on the image I adore." He lends a sober

grandeur to the splendid station of Pericles and to the beauty and wit of Aspasia. The fidgetty and feverish temper of the Sophists, among whom however Landon places Socrates, and their perpetual vexation of questions they could never settle, are contrasted with the cheerful equanimity and the truth-loving spirit of the philosopher of Clazomenai. After his banishment in old age from Athens, for thinking otherwise of the Gods than the multitude or the devout, he writes thus to Pericles and Aspasia from Lampsacus.

— "Enough of this: I have somewhat less to say about myself. The people love me, for I am no philosopher here, and have scarcely a book in the house. I begin to find that eyes are valuables and books utensils. Sitting at my door, I am amused at the whistle of curlews, and at their contentions and evolutions, for a better possession than a rabble's ear. Sometimes I go down, and enjoy a slumber on the soft deep sands: an unexpected whisper and gentle flap on the face from the passing breeze awakens me, or a startling plash from the cumbersome wave as it approaches nearer. Idleness is as dear to me, reflection as intense, and friendship as warm as ever."—Vol. ii. p. 203.

"This is the pleasantest part of life. Oblivion throws her light coverlet over our infancy; and soon after we are out of the cradle we forget how soundly we had been slumbering, and how delightful were our dreams. Toil and pleasure contend for us almost the instant we rise from it; and weariness follows whichever has carried us away. We stop awhile, look around us, wonder to find we have completed the circle of existence, fold our arms, and fall asleep again."—Vol. ii. p. 132.

Alcibiades is described by Pericles to be "as beautiful, playful, and uncertain as any half-tamed young tiger, feasted and caressed on the royal carpets of Persepolis." The genius of the great Athenian statesman did not descend lineally, but was inherited, without his wisdom and conduct, by his kinsman the son of Cleinias, the most brilliantly-gifted and mischievous citizen of Athens. His early youth alone enters into the æra of these letters, but the lines of his future character are traced in them.

"Pericles was always desirous that he should study oratory, in order that it might keep him at home, gratify his vanity the most perfectly and compendiously, and render him master of his own thoughts and those of others. He plainly told Pericles that he could learn little from him except dissimulation.

"'Even that,' replied Pericles, 'is useful and necessary: it proceeds from self-command. Simulation, on the contrary is falsehood, and easily acquired by the meanest intellect. A powerful man often dissembles: he

stands erect in the course of glory, with open brow but with breath suppressed: the feeble mind is ready to take refuge in its poverty, under the sordid garb of whining simulation.'

"He then remarked to Pericles, that his oratory was somewhat like his economy; wanting in copiousness and display.

"'Alcibiades!' said my husband, 'it is particularly this part of it which I could wish you to adopt. In oratory, there are few who can afford to be frugal: in economy, there are few who can afford to act otherwise than frugally. I am a publick man, and it little becomes me to leave room for suspicion that, by managing ill my own small affairs, I may be negligent in the greater of the commonwealth. There are kingdoms in Thrace and Asia, where the cares of government are consigned to ministers or satraps, and where it shall be thought honourable and glorious in one of these functionaries to die in debt, after managing the treasury. But surely there is in this no proof whatever that he managed it discreetly: on the contrary, there is a fair presumption that, neglecting his household, he left the community in worse disorder. Unquestionably he was a dishonest man, to incur a debt beyond the extent of his estate. Forbearance from accumulation in his own house, can hardly be deemed a merit by the most inconsiderate, in one who can unlock the treasury to every relative, every friend, every associate and every dependent. Such persons will generally be found to have been gamblers and prodigals, and to have entrusted the subordinate branches of publick concerns to servants as unfaithful and improvident as those menials who administered their own: and the reigns of the princes who employed them, if recorded at all, are recorded as prodigies of expenditure, profligacy, and disaster.

"'Aristides died poor: but Aristides never was rich: he threw away nothing but his good example. And was his the fault there? He was frugal, he was provident: every action he performed, every word he uttered will excite, inform, and direct, remotest generations. Thus indeed it cannot properly be said that, however now neglected, his example was thrown away. Like the seeds of plants which a beneficent God hath scattered throughout the earth, although many fail to come up in the season of their sowing, or soon after, yet do they not decay and perish, but germinate in the sterilest soils many ages later. Aristides will be forefather to many brave and honest men not descended from his lineage nor his country: he will be the founder of more than nations: he will give body, vitality, and activity to sound principles. Had he merely been a philosopher, he could effect little of this; commander as he was, imperial Persia served only for a mirror to reflect his features from Attica on the world."—Vol. ii. p. 210.

The eighteenth century was the age of speculations, that went by the name of philosophical history. Neither in the maturity nor in the decline of ancient literature,—although shallow philosophy, turgid rhetoric, and superficial collections of facts, entitled epitomes, abounded,—does there appear any

trace of a species of literature exactly resembling this. It was not a propitious union; history was emasculated by it, and philosophy became inaccurate, and reasoned from partial or from doubtful phenomena. The writings of Machiavelli, which were translated into most of the European languages, afforded perhaps the first hint of this hybrid combination. Machiavelli himself, however, was guiltless of setting a corrupt fashion; since, though he brought philosophy to the aid of history, he never confounded them. Mr. Landor, in his delineations of ancient life, often casts a shrewd glance at the practices and circumstances of modern; and in a conversation of Pericles with Thucydides, detailed in one of Aspasia's letters to Cleone, has thus conveyed his sentiments upon this species of composition.

“ ‘May our first Athenian historian not be the greatest!’ said he, ‘as the first of our dramatists has been, in the opinion of many. * * *

“ ‘We are growing too loquacious, both on the stage and off. We make disquisitions which render us only more and more dim-sighted, and excursions that only consume our stores. If some among us who have acquired celebrity by their compositions, calm, candid, contemplative men, were to undertake the history of Athens from the invasion of Xerxes, I should expect a fair and full criticism on the orations of Antiphon, and experience no disappointment at their forgetting the battle of Salamis. History, when she has lost her Muse, will lose her dignity, her occupation, her character, her name. She will wander about the Agora; she will start, she will stop, she will look wild, she will look stupid, she will take languidly to her bosom doubts, queries, essays, dissertations, some of which ought to go before her, some to follow, and all to stand apart. The field of History should not merely be well tilled, but well peopled. None is delightful to me, or interesting, in which I find not as many illustrious names as have a right to enter it. We might as well in a drama place the actors behind the scenes, and listen to the dialogue there, as in a history push valiant men back, and protrude ourselves with husky disputations. Shew me rather how great projects were executed, great advantages gained, and great calamities averted. Shew me the generals and the statesmen who stood foremost, that I may bend to them in reverence; tell me their names, that I may repeat them to my children. Teach me whence laws were introduced, upon what foundation laid, by what custody guarded, in what inner keep preserved. Let the books of the Treasury lie closed as religiously as the Sibyl's; leave weights and measures in the market-place, Commerce in the harbour, the Arts in the light they love, Philosophy in the shade: place History on her rightful throne, and, at the sides of her, Eloquence and War.”

In the preface to the first series of the “Imaginary Conver-

sations" Mr. Landor announced his purpose of giving to the public "an orderly and solid work in history, the great object "of his studies." If we listened to experience rather than hope, we should be cautious of reckoning too eagerly upon such announcements. In our own time we have seen too many instances of such promises ending in mere fragments of performance; the pitiless impediments of sickness or misfortune delaying the accomplishment until too late, or until the idea was no longer a sustaining and animating principle. But we have better hopes of Mr. Landor; his latest work has all the freshness of adolescence, and of an untired spirit conscious of its own energies. He has given proofs of possessing the higher qualities of an historian; sagacity and precision in detecting the motives and the springs of action; an imagination rich in original and in remembered forms, with much of the plastic power of dramatic invention; manifold erudition in many branches of learning, and a full and pliant style that can sustain with dignity the level course of narration, and ascend with ease to the higher regions of his art. Let him only remember that personal feelings are the most difficult for an historian to communicate, the least decorous and prudent for him to betray; that calmness of demeanour gives force to passion, and to irony a keener edge; and that energy is better expressed by compression than by effort. In these respects the poet and historian are alike; both must work apart from their creations, in order that they may contemplate the structure from without and from every point: symmetry and solidity can never be attained by him who is perplexed and entangled with the implements or the materials he works with.

We now take leave of Mr. Landor, having fully stated wherein we dissent from his opinions, and where we agree with them; and, as few words are best at parting, it only remains to say that we shall cordially and expectantly greet him the next time he presents himself to the public, whether in a work of fiction or in a "solid and orderly history."

ARTICLE III.

Law of Debtor and Creditor.

IN a paper already published on legal improvements we purposely confined our remarks to the sole object of exhibiting the advantages which would be derived from the establishment of local courts. We now proceed to offer a few remarks on another branch of law reform, namely the abolition of arrest for debt; the one being intimately connected with the other, but affording too wide a field to be comprised in the same article. To some readers it may appear that our observations on this topic will come too late: the subject having been so often discussed, it may be alleged that nothing new can be said on the matter, and those who have confided in the self-reformation of the House of Lords may deem it impossible that their very enlightened majority will again oppose the Attorney-General's Bill; which is no party question, but a measure already too long delayed, and unavoidably rising out of the long and laborious investigations, together with the almost unanimous recommendation of the Common Law Commissioners.

That the subject has been often enough discussed we most readily admit, nor is it requisite that any new arguments should be employed. The plainest recapitulation of incontrovertible facts is quite sufficient. But that it is needless to repeat those facts at the present moment, we can by no means agree. On the contrary, we recollect too well the absurd fallacies and gross misrepresentations which were uttered on this question at the close of last Session in the Upper House. It is worthy of remark also, that scarce any opponent of the measure even attempts taking a comprehensive view of the matter, but each has his favourite one idea, on which he constantly rings the changes, and which serves only to embarrass the question and protract useless discussion.

On this account we conceive that, before the Bill again passes its ordeal in the House of Peers, we may render an acceptable service by taking the above-mentioned commonplace fallacies and misrepresentations in a string together,

and answering them once for all; in which there will be novelty of arrangement at least, if not of materials.

Firstly, there is the usual objection to all reform: the present system is the law of England, under which commerce has thriven, and which ought not to be rashly disturbed. Secondly, it is forsooth impossible to draw any line of distinction between honest and dishonest debtors, or between a well-founded and a false accusation; therefore, at the outset, all must be punished alike. Thirdly, we have the grand leading argument, that the system, whatsoever its defects may be, is a necessary evil, and indispensable for upholding our trade and commerce. Fourthly, last session we were informed by Lord Abinger that our law in this instance corresponds to that of other commercial countries (whereas it is in truth unparalleled elsewhere upon earth). Fifthly, we are desired to believe that the severity of incarceration tends to prevent rash contraction of debt by proletarians, and to check the career of swindlers. Sixthly, rather inconsistently we are told also that its abolition would operate as a ruinous annihilation of credit, and that a serviceable process against a debtor operates as a "warning to decamp." Seventhly, though severe it is forsooth a just law, because every one who enters into a contract with his eyes open knows that, failing to fulfil, he incurs a penalty; therefore debtors at all events have no right to complain. Eighthly, it has been alleged that the operations of the Attorney-General's Bill are too complex and expensive, and that, by sanctioning arrest in cases of imputed fraud, he virtually abandons his own professed object. Ninthly, that the present law is never willingly exercised by creditors; there is a growing dislike to it, and therefore matters may safely be left in their present state. Tenthly, that against any evil effects of our present law the Insolvency Court affords ample protection. Eleventhly, that by the remedies proposed in the Bill the power and dignity of the British peerage would be compromised and undermined!

Such are the rash assumptions and superficial arguments which for years have been obstinately repeated, and which nevertheless have tended more to retard the progress of legal reform in this instance than any technical objections offered by professional men. We might have added many other fallacies to

the preceding list, but enough has been set down for our present purpose, and we shall take the above heads in their order.

1. As to the antiquity and legality of the present system: so often has this point been argued that to mention it again would seem absurd, were it not that the truth is so perseveringly waived or forgotten. Even Blackstone's Commentaries appear to have been written in vain! Once more then (and we hope this is requisite for the last time,) be it declared that every arrest for debt is an outrage on the Constitution, a direct violation of existing and imperishable law, and is therefore virtually if not absolutely illegal. We hear not this language in the British senate, yet it is no more than the plain statement of incontrovertible truth. Subsequent to the reign of king John (for we speak not of earlier times) the practice of arresting for debt commenced on that basis of "elegant fiction," without which and the "*ac etiam*" clause it could not have been introduced or supported. In short the process, according to the first and still most approved formula, sets out with a downright falsehood, barring which elegance it would have been utterly impracticable for the Court to bring any man into prison on a mere accusation of debt, nor without the same plan of expediency could any one be taken in execution afterwards. The opposing and immutable principles of Magna Charta and the Common Law of the realm were too clearly developed and firmly established to admit of punishment without crime, and accordingly a false criminal charge was "elegantly" adopted. True it is that modern commentators have raked up three or four old statutes, from which they endeavour to draw the conclusion that arrest for debt was directly sanctioned and enforced (and in the instance of bailiffs and receivers this is correct); but in every one of these old statutes there exists an accompanying speciality, which serves to place in a clearer light the facts above mentioned.

Had it been otherwise, had those antiquated statutes admitted of interpretation in favour of indiscriminate arrest for debt (which they do not), we should still be unable to perceive why an old-dated antinomy is more respectable than a modern one. The English Constitution is not to be respected because it is old, but because of its foundation on universally admitted

principles of justice and sound policy, which change or perish never. According to English constitutional law the natural and inherent right of liberty was too precious to be tampered with on account of the interests of shopkeepers. "The body of the debtor," in the well-known words of Sir E. Coke, "ought always to be free, that he might serve the king in his wars, cultivate the ground and maintain his family;" and the only mode of recovering debts was then by summons and writ of *Distringas*, respecting which Blackstone observes, "*And here, by the common as well as the civil law, the process ended;*" the debtor, if he had any substance, being gradually stripped of it by repeated distresses; and if he had no substance, the law considered him incapable of making satisfaction, and held all further process to be nugatory. Such was our law from the date of Magna Charta till toward the close of the reign of Edward III., when the present system was invented.

The causes which led to its being adopted are sufficiently apparent, for these exist in full force up to the present hour, indicating the imperative necessity for those changes now proposed by the Attorney-General. Blackstone indeed has made no remark on the matter, his object being merely to condense and illustrate the law as he found it, without offering any criticism on its incongruous features. Obviously and clearly the power given by summons and writ of *Distringas* proved in many cases ineffectual for the recovery of debts. A debtor might have no tangible property, or by repeated distrains he might allow himself to be deprived of such assets to the last fraction; yet all the while this identical person might possess income, securities, collateral interests, cash and other resources, such as would have amply enabled him to pay his debts if inclined to do so, and over which the mere process of *Distringas* gave no actual power. *In short the want was then felt, as it is felt up to this moment, of a measure such as after the lapse of centuries has been introduced by the Attorney-General.* And in that barbarous age, during which however the pure principles of justice were recognized in the Constitution, what was the remedy invented by legal inquirers for existing defects? Precisely that *elegant* plan of arresting all debtors on a criminal charge, (with that of debt

subjoined *par parenthèse*,) which has continued to be the leading and favourite form of process up to the present day*. A more mischievous expedient, or one more blundering, clumsy and inept (in all respects except as promoting the interests of attorneys and sheriffs' officers) certainly never was devised. So much for the history of that "ancient legal system, "under which commerce has thriven, and which it would "be hazardous to disturb."

That at *this* date in England, an evasive stratagem so atrocious in character, so bungling and absurd as regards all good purposes, and so admirably contrived (as will afterwards be shown) to produce great national evils, should still find even one senator to speak in its favour would seem incredible, did we not recollect that the practice of burning for witchcraft was not wholly abolished among us till the year 1720. Some readers may allege that there is here no analogy. In certain points we think the analogy close: common sense and humanity were against burning for witchcraft; ignorance, fanaticism and superstition were in its favour. Not merely common sense and humanity, but existing, unrepealed and imperishable laws of England, are against arrest for debt. On this occasion however we are opposed not merely by those irrational prejudices which have upheld a system of punishment without crime, but by the active misrepresentations of a host of interested persons, who now subsist on legalized pillage, and who dread that when a reformation takes place their favourite pursuits must terminate. Above all we are opposed by members of the upper House, who are naturally somewhat averse to place themselves within range of debtor and creditor law, instead of continuing to hold their estates, official incomes and persons all equally protected, and setting creditors at defiance. But of this in another place.

In that written law† which contains the substantial essence of our boasted Constitution we find the principle immutably developed, that the natural and inherent right of liberty which belongs to every man shall not be alienated without evidence or conviction of crime, nor infringed on without fair trial and

* In Scotland the system was pushed further, *high treason* being the action there adopted, so that bail-bonds were out of the question.

† *Magna Charta*, articles 14 and 29.

examination. There is no ambiguity in the original words: the articles establish a principle, not merely applicable to king John and his barons, but to all ranks and all ages. England has therefore been styled the "land of liberty." Yet in defiance of this principle, and on pretext that without arresting indiscriminately it is impossible to uphold trade and commerce, any man (always excepting senators and attorneys) can at a moment's warning be dragged from his home to a prison, there to remain until the "force of ready money" or security of two rich bondsmen is applied to relieve him. It matters not a rush whether he in reality stands indebted; it matters not whether he is entirely guiltless of the trespass imputed to him, and the plaintiff known to be the greatest rogue who ever escaped the gibbet: one ounce or one scruple of gold on such occasions overbalances all the moral rectitude in the universe. "In defiance not merely of the constitutional law of England, but in open violation of universal laws*, and with undisguised contempt for the cause of justice and morality throughout the world, the self-styled creditor is allowed by his own solitary voice, and in his own cause, to exercise and combine the powers of magistrate, judge, counsel, witnesses and jury, and to inflict the greatest punishment next to exile or death, not only without proof of any crime, but without proof or evidence (beyond his individual *ipse dixit*) of any debt!"

Would it elsewhere be looked on as credible that, in the nineteenth century, even Tory peers, with the lords spiritual to admonish and assist them, could have remained so callous to all dictates of religion and impulses of humanity as to look on this monstrous outrage with indifference?

Certainly there is nothing new in what we have stated above; on the contrary, we have (with some verbal changes) quoted one long sentence from a volume entitled "Punishment without Crime," published in 1813. But, though not novel, has the truth on that account any less force? We ask, would it be possible in any other country on earth to meet with a law more violently irreconcilable than this with every principle of Christianity, politics, morality or common

* "*Aliquis non debet esse judex in propria causa.*"

sense? How can any hypothetical basis of mere utility excuse such violation of principles which ought to be held unalterably sacred? This is "doing evil that good may come of it" with a vengeance! As to the oath taken on such occasions it is merely nominal,—a formality requiring the plaintiff's acknowledgment of his own signature, together with payment of eighteen-pence to a judge's clerk,—and the consequences are of course laughed at. The so-styled creditor, if he has sworn falsely, is always ready to get out of the way of any action that may be brought against him for damages; or having nothing to lose in purse or character, he cares not a rush for the result of an action; or perhaps he is quite aware that the effects of his proceeding (a mere venial error according to the morality of Clement's Inn or Chancery-Lane,) will be so completely ruinous as to divest his victim of all means or spirit to raise one.

2. But whatever abuses may thus be perpetrated, we are told that for many reasons the evil is unavoidable, and especially that it is impossible to draw any line of distinction between debtors who deserve imprisonment and those who do not. A more irrational assumption than this can scarcely be imagined. Granting for argument's sake that debt is a crime, surely there is nothing so intricate and peculiar in the *delictum* of the debtor as to preclude the same expeditious and direct examination to which criminals of every other class are entitled. But if the honourable member for Knaresborough, who has so often started this argument, were to reflect on the matter, he would probably find out his own real meaning to be that, under the existing plan, it is impossible to distinguish between those who may through imprisonment be coerced into payment, and those who by such process will be rendered more obdurate or more decisively unable to pay. Debtors *quoad* their means must be divided into four classes:—1. The rich, who when thus roughly admonished are able to pay and will pay: 2. The poor, who can only tender a portion of the claim, which generally goes into the pockets of attorneys and bailiffs: 3. The still poorer, who can pay nothing: 4. The obdurate, who will not pay. Now the alacrity with which the present system is employed, and confided in, hinges on excitement extremely similar to that of the gambling table

or lottery wheel. Exercised against the rich and refractory it has often proved ineffectual; against the obdurate, is useless: from the embarrassed man it extracts money to be squandered in law costs; and when directed against one who has no resources, the consequences are merely expense to the plaintiff and irremediable ruin to the defendant. To this the old common law, when the creditor's sole reliance was placed on property visible and tangible, is with all its defects infinitely to be preferred. But inasmuch as the present law affords a lottery chance, of course it must be tried. *Bene est tentare*, and till the experiment is made, no one can predict with certainty when it will succeed and when it will turn out a complete blunder.

And what are the further consequences of this precious lottery? In our preceding paragraphs, under the first head, it is apparent how the principles of the English Constitution are violated. Now behold such an extended and outrageous violation of the principles of sound policy, of universal law and of religion, as is calculated to render the country in which it exists one large academy for the education of malefactors! In one sweeping and indiscriminate punishment are included the industrious and idle, the honest and dishonest, the moral and profligate, the careful and reckless, the submissive and contumacious, the rich and poor, the healthy and the dying, even to those who expire on their way to prison. (Dead bodies were not till of late years exempted.) And to creditors what is the result from all these violent measures? The punishment by which they endeavour to enforce their rights—on whom does it fall? The dishonest and profligate debtors in ninety-nine cases out of every hundred only laugh at such proceedings. Against the contumacious and the rich the Bill introduced by the Attorney-General affords effectual coercive measures, of which the imprisonment plan offers but a shadow. Obviously the greatest pains and penalties of the present system fall on those who are detained in prison for no better reason than because they have not done that which was impossible. This, were it suffered to endure, would certainly exhibit an exquisite specimen of legislative wisdom for the nineteenth century.

But a far more important question remains: What is the

result of such proceedings considered, not with reference to creditors, but morally and politically? If under the same degrading, severe, and in many instances destructive punishment, are included the honest and industrious who do suffer, together with the dishonest and idle who, comparatively speaking, do not, certainly it must follow as an inevitable consequence that the very distinctions between right and wrong will at last be obliterated and utterly lost. And already has not this in great measure taken place in England, where the word *respectable* as applied to character means in reality *profitable*, and where in daily parlance we are under the necessity of classing law and justice (*quoad* pecuniary disputes) as being entirely distinct, and in almost perpetual collision with each other? Suppose, according to suggestions of the honourable member for Knaresborough, and to the *implied* opinion last session of the Duke of Wellington and Lord Abinger, it were assumed as a principle that one hundred blameless persons ought to suffer, rather than allow one guilty to escape; would this be considered sound policy? We presume the answer must be in the negative. But what then shall be said of an actually existing system, the leading characteristic of which is, that one hundred guilty persons are (indirectly) aided, encouraged and abetted in their career, whilst the whole weight of punishment falls on one who is morally unimpeachable? Such is absolutely and practically the effect of our present law! Doubtless the infliction of the severest punishment, next to exile or death, on an individual not convicted of any crime is in itself a criminal act, which no subterfuge, no plea of good intentions for the support of trade and commerce, can excuse. And yet such criminal acts are every day perpetrated according to the law of England: and this is the wisdom, this the British justice, which conservative peers last session showed a disposition to uphold!

But of all the fallacies displayed, the most prevalent and absurd is the determination to weigh the question exclusively and solely by its bearing on the interests of shopkeepers, merchants, bankers and manufacturers. Now the truth is, that the welfare of this important class, so far as it depends on the law of arrest, is but a straw in the balance compared with the effects of the said law in other respects. At first these

words may appear strange, but a moment's reflection will serve to clear up the mystery. The so-styled benefit of our present law to mercantile men must apply solely to a limited and fractional portion of their business; in fact, it depends solely on transactions which it would have been infinitely better to avoid altogether, that is to say, on dealings with people from whom no other means but the summary process of arrest can extract payment, and against whom even this is frequently directed in vain. As a matter of course every tradesman at present complains of such customers; and for the most obvious of reasons, because the delusive security, the lottery-wheel chances of our system enable them to get credit, and because afterwards no better method than the arresting plan is or can be adopted. Suppose Morison's pills were established as the national and only medicine, would any man possessed of common sense (after having had the misfortune to swallow one dose) feel contented with the assurance that it must be the best medicine in the world, because people occasionally survived its effects, and because according to law there was no other? Diseases have been cured by Morison's pills, and therefore forsooth there can be no better medicine; debts have been recovered by means of imprisonment, and therefore there can be no better law. This logic is indeed most exemplary!

We have said that commercial prosperity, so far as it depends on the law of arrest, is but a straw in the balance compared with other considerations, and of this we shall soon arrive at the proof. In order to promote mercantile interests, the leading object of debtor and creditor law obviously must be that refractory debtors should be compelled to act honourably, by employing their resources, of whatever kind, and their estates real and personal for liquidation of the engagements they have contracted. Nothing can be clearer than the justice and propriety of this motive. But what is the now existing practice of the law of England? To act honourably is for an imprisoned and impoverished debtor out of the question; dishonesty is forced on him. He is compelled, when he should work, to remain utterly supine and inert, and to consume uselessly in prison the time and money which are the property of his creditors. By the Roman law a debtor was brought to his creditor bound in chains to work like a

slave: by the wise English law he is entombed alive and debarred all power of exertion. The writ directs "*capias ad satisfaciendum*," or, in the bailiff's very sensible translation, "take him for your satisfaction;" and this being done, no other satisfaction is by law required or expected. In colloquial phrase, he may "snap his fingers" at all pecuniary demands, except those incurred within his prison walls, and for the rest of his life sit with his arms crossed. As to professional income, he may have been in receipt of 500*l.* or 5000*l.* per annum, and the proceedings of any one exasperated or malevolent creditor will cut it off irretrievably, for it is not by petitioning the Insolvency Court that he can be restored to his former station. With regard to estates and resources, beyond mere goods, chattels and equipages, the present law, as we have seen, affords no power whatever. The conduct of those debtors who possess means of payment is quite optional.

But to make amends for this unsatisfactory and equivocal mode of upholding our trade and commerce, mark *per contra* the very successful efforts made, quite unexpectedly, in an entirely different way, that is to say, in promoting the increase of destitution, demoralization and crime. According to returns mentioned by Lord Brougham in 1830, the number of affidavits for debt (this being the first step in legal process) was within one year 93,000, and it has been repeatedly calculated that there annually take place in England from 30,000 to 40,000 arrests. In the Fleet and King's Bench it has been remarked that in proportion to the number of prisoners the number of dependent family connections averages about three to one; and it is undeniable that one of the greatest evils of the law of arrest consists in the misery and destitution which it brings on deserted families. Take the number of such dependents in a proportion of only two to one, and we perceive that every year 120,000 persons are rendered liable to a state of want and demoralization. But the favourite argument of the right reverend bishops respecting Dissenters will here be employed against us. The number of prisoners who remain in confinement long enough to become perverted and to leave their families destitute is comparatively small. Now truly if in the course of an entire

year only one victim, whose moral character and industry deserved a better fate, has been allowed to perish in an English debtors' jail, we perceive not how such a law could be defended. But what is the truth? the records of every year afford many such examples. The number of prisoners for debt at any one time in England is never less than 14,000 or 15,000; nor can there be a shadow of doubt that thousands annually go into prison cherishing honest principles, who remain there till they become altogether demoralized; thousands go thither who, depraved at their entrance, become afterwards greatly worse; and lastly, but not least deserving of notice, there are hundreds morally blameless, who, if they do not perish in prison, are at last thrown destitute and degraded on a world wherein poverty is regarded as the blackest of crimes, and where they must either beg or become eventually criminal. They are conscious perhaps of having cherished the purest motives, of having acted both frugally and industriously, yet by the law of England they find themselves compelled to idleness, and to waste in a jail the time and money which well directed might have saved them from disgrace and ruin. One hour of liberty might perhaps have enabled them to arrange all their embarrassments, but it was denied. They are conscious of having committed no crime, yet have been treated like the worst of felons. Nay, more than this, they perceive that the dishonest and fraudulent not only live in luxury, but often contrive to leave prison with full purses, and consequently in the world's estimation with what is called "respectability." How can it be wondered at if among such victims those yet undepraved look with abhorrence on a government which tolerates such iniquity; or if others, acquiescing in and profiting by our wise system of law, should villainously turn it to account, and henceforth look upon all crimes as justifiable that bring them not to the gallows or the hulks; inasmuch as they clearly perceive that no acts can be more immoral and criminal than those which the British Government itself sanctions and perpetrates?

It is quite possible that to some readers our language will appear overcharged, merely because the subject is placed in a light in which they have not been accustomed to view it. Yet we imagine no one will dispute the old adage that "idle-

ness is the mother of mischief," or gravely assert that captivity and degradation are likely means to improve moral character. The very limited and merely fractional share of our commercial prosperity which depends on the law of arrest is, we should humbly think, purchased at an exorbitant price by the necessity of keeping up crowded seminaries for the propagation and spread of crime and depravity. Let it not be for one instant supposed that this is a hypothetical assumption; on the contrary, common sense and experience equally corroborate our words. Yet, most perversely, our debtor and creditor law has hitherto been regarded as a question of minor importance, which might properly enough stand over and make room for party measures. Be it always remembered that we speak not of prisoners only, but also of their deserted families, who frequently suffer more than they. Suppose that of the 120,000 persons annually injured by the law of arrest only 5000, or say only 500, who were before industrious and well-disposed, are at last thrown on the world, with spirits broken, health injured, habits perverted, connections alienated, alike destitute of employment and property,—and observe how from year to year the numbers augment,—is *this* a minor question in the state? If so, then the extent of our criminal records and the sanguinary character of our criminal code, which have so long formed the undeniable disgrace of England, are also minor questions, for one subject is most intimately connected with the other.

3. Yet these facts are not new; they have been stated over and over, and how have they been met? Always by the same plea of expediency, by an obstinate repetition of the same fallacies respecting our trade and commerce, and the danger of interfering with the creditor's "rights" over the person of his debtor. Such arguments formed the stronghold of the Duke of Wellington last year, when His Grace came forward to oppose not merely the details but the principle of the Attorney-General's Bill, forgetting perhaps for the moment that every member of the upper house advocating the continuance of arrest for debt, resembles, ludicrously enough, a general officer safely ensconced behind a wall, and exclaiming "*En avant, mes enfans!*" Now, as the noble Duke so strongly expressed his anxiety for the protection of our mer-

cantile interests, we must beg that the suggestions we have offered on this point be once more fairly and calmly considered. Divide those debtors against whom the law of arrest is directed into only two classes ; first, those who are able to pay but who will not do so till forced ; secondly, those who having no means to pay are kept in confinement without any rational purpose. Once more, we ask, what proportion does that share of mercantile prosperity which depends on such customers bear to commercial interests generally ? We might leave the question to be answered in his own peculiar manner by Lord Ashburton, who some time ago, after insisting with vehemence on the necessity for continuing the present law, most ingeniously illustrated his own arguments by remarking, that in the commercial and banking house where his lordship is himself a partner he could not remember that a writ of arrest had ever been used or found requisite ! Let any respectable merchant or banker refer to his books and certify in what proportion to good customers and connections stands the number of people with whom, in order to support himself, he must deal, yet of whom he notwithstanding has reason to believe that on the first opportunity they will decamp and “leave him in the lurch.” Be the number small or great, we admit that he ought to be protected against them if possible : but is it rational for Lord Ashburton or any other merchant to waive and resign the very important advantages offered by the Attorney-General’s Bill over all debtors who have property or pecuniary resources, merely for the sake of retaining power over the bodies of runaway debtors who have neither, and with regard to whom the present law affords at best only a lottery chance, always involving expense and risk, always causing trouble and mutual exasperation, and in seven cases out of every ten failing to do any real good ? Whatever be the number of such untoward customers, we should suppose the tradesman or merchant could live better without them ; and if, on the other hand, they found themselves in distress from his refusal to give credit, is it not abundantly clear that on selfish motives they would endeavour to regain his confidence by punctuality and candour, instead of deluding him, as now, by affecting to pledge their persons ?

But according to our present system honour and integrity

are flung overboard: the merchant trusts (or is expected to trust) because he can arrest his debtor, whilst the proletarian and swindler both grasp at the immediate advantages thus placed within their power. Is it possible to conceive a law more ingeniously devised than this for the encouragement both of imprudence and fraud? Yet by such means it is alleged we uphold trade and commerce. Remove the veil of prejudice and sophistry, and are not the real effects instantly apparent? Trade and commerce are upheld, forsooth, and in what manner? By a law so very sagacious and exemplary that it obtains credit for those who ought not to be trusted, and allows punishment to fall hardest and heaviest on those who are morally the least culpable!

4. Lord Abinger's assertion that our law corresponds to that of other commercial countries comes next in order. Now that the debtor and creditor law has been and remains objectionable in various countries, on account of its unmerciful rigour, is an almost proverbial remark; yet for blundering inefficacy and useless violation of sacred principles our own "venerable" system stands absolutely alone and unparalleled. The comparison, indeed, is the most unmanageable argument that could be adduced by conservative peers, inasmuch as the truth comes out so decidedly against them. Undeniably there are countries besides England wherein we may find the practice of arresting for debt, yet always restricted and modified in such manner as materially to change its character. In these countries, however, it happens that trade and commerce are actually not so flourishing as in others where the practice is held in contempt and abhorrence. Unless it be on the wise principle that two blacks make a white, why select the former as models for imitation, and pass over the latter in silence?

To enter within the limits of this article into details, and to illustrate the points on which foreign laws differ from ours, would of course be impracticable. We shall make room, however, for a few remarks from a highly valued correspondent at Hamburgh, where it will be admitted by Lord Ashburton and every one conversant with mercantile affairs that trade and commerce flourish (*mutatis mutandis*) as well and steadily as in any town in Europe. With regard to Germany

it should be remembered, that from a combination of causes no country is more liable to incursions of foreigners from all parts of the globe, and that in many cases a moderate walk will there bring the fugitive debtor out of one territory into another, where *pro tempore* he is as safe as if he had escaped to the new world.

"The only instance," observes our correspondent, "in which German legal practice in some measure answers to your English plan of arrest is the Leipzig *Wechselrecht*, or law respecting mercantile bills of exchange; but this forms a marked exception to our general principles, and in no other state is it enforced with equal strictness. Even under governments where it is partially adopted, reasonable time is granted to the acceptor for arranging the debt. Besides, in whatever state this peculiar law has been admitted, it is always looked upon as an exception for the benefit of trade, and is applicable only to merchants, who having their free choice are sufficiently careful how they bring themselves within range of the statute. From the history of the Leipzig *Wechselrecht* it is well known that it neither arose from the civil nor Teutonic law, but from certain regulations of the fairs in the middle ages, where expeditious proceedings seemed advisable in the dealings of foreigners with foreigners."

"At Hamburg," he continues, "arrest for debt is impracticable, unless when a decree has been issued by the court of justice; and such decree never can be issued on oath of the plaintiff, nor without regular trial and judgement. Where there exists a written bond, the defendant is first called on by summons to recognise or deny his handwriting, and the defence if he has any is heard. In all cases where a decree has passed against the defendant, the first step is always an arrest of property, not of the person; nor is the latter course ever adopted except on proof of moral delinquency, and that other methods would be useless.

"We have at Hamburg no *Schuldthurm*, or debtors' prison, and scarce any instance is on record of imprisonment for debt, except on condition of fraud accompanying its contraction. The usual course for an individual unable to satisfy the claims on him is to appear before the tribunal of com-

"merce and declare his insolvency, whereupon the creditors are convocated, his case is inquired into, and adjusted as fast as possible by *cessio bonorum* or compromise. The leading principle on which the German law hinges is, that a man should be assisted rather than prevented in recovering the means of maintaining his family, and satisfying the claims on him, by beginning anew his profession or trade in any department of honest industry."

This plain statement requires no comment. To promote industry, to distinguish between fraud and misfortune, and secure the creditor's rights by giving him a strong power over property and income, such we know to be the leading principles of the debtor and creditor system throughout Germany and Holland, in neither of which countries will it be alleged that there is any neglect of commercial interests. Lord Abinger perhaps considers these examples unworthy of notice; but it remains for his lordship's acute talents to show for what peculiar reasons the mercantile welfare of England is better supported by our system of compulsory idleness; by holding the distinctions between fraud and misfortune, honesty and dishonesty, in utter contempt; at the same time allowing debtors to retain their estates unmolested, and sit with their arms crossed, and all this for no wiser purpose than to have the satisfaction of detaining their bodies in prison! We need scarcely regret our want of room to follow out the comparisons any further. In France only do we find a system nearly resembling that of England, yet even there so marked are the points of difference, that we believe if similar restrictions were affixed to our present law many of the worst evils and abuses now complained of would cease.

5. It is sometimes very gravely maintained that the dread of arrest for debt prevents its contraction. Yet the utter absurdity of this argument was exposed by Dr. Johnson eighty years ago. On what class of people is the salutary terror to operate? Not surely on the rich, for although misfortune may deprive them of their wealth, yet they have no gift of prophecy to divine their losses. We know by every day's experience that the sanguine proletarian who depends on his "wits and works" will not have firmness enough to abstain from availing himself of that support which a deluded trades-

man, trusting to the lottery chances of the law, sometimes freely offers. And by indisputable proofs we also know how cordially the swindler approves the present system, which both enables him to gain credit and to set creditors at defiance afterwards.

6. Another favourite argument, rather awkwardly inconsistent with the above, is, that abolition of arrest would destroy the vastly beneficial system of credit. Nay, so far is this notion carried, that people believe credit could not exist without the right of arresting at a moment's warning, before trial or judgement, inasmuch as a serviceable process "operates only " as a warning to decamp:" and this is gravely asserted in a kingdom of which Scotland forms a part! Is there then any difficulty in carrying on the trade and commerce of the North, where arrest without warning is wholly impracticable, and where (except in cases of alleged fraudulent intention) what is here termed a "serviceable process" is the only one? Those who are acquainted with Scotland will probably bear us out in our assertion, that at Edinburgh, Leith, Glasgow, Greenock, Paisley, Dundee, Aberdeen and Inverness credit is given quite as readily and cheerfully as in London, although every man must be duly admonished before he is proclaimed a *rebel* (such being the Scottish form of "elegant fiction"). Yet in London we have been told that tradesmen might all "shut up shop," were it not for the present lottery-wheel system, which, as already observed, obtains credit for those who ought not to be trusted! If arrest for debt were utterly abolished tomorrow, is it rational to suppose that those deserving of confidence would be at any loss to establish their character, or that dealers would feel any reluctance to trust them?

7. But strange as it must appear, there are people who maintain, up to the present hour, that arrest for debt is perfectly justifiable, inasmuch as the terms of contract are mutually understood between parties; and the debtor, being fully aware of the conditions into which he has entered, has no right to complain afterwards if liberty be sacrificed. So the doctrine of Shylock is openly avowed and promulgated: whatever stands legible "in the bond" must be justifiable; and, on the same wise and Christian principle, Lord John Russell's intentions of reforming our Criminal Law must be completely

frustrated ! According to this exemplary doctrine, if debtors, instead of being incarcerated, were (like witches previous to the year 1720) burnt alive, the practice would of course appear quite correct. But since this pleasant argument has been broached, why not devote a few minutes to consider the point actually at issue between debtor and creditor, and ascertain how far British law is on this occasion reconcilable with justice ?

Here it must be confessed that nothing very new can be suggested. The administration of justice, we humbly suppose, depends on a due regard to the interests of different parties, so that one may not be suffered unduly to encroach on the rights of another. For example, in debtor and creditor transactions, the defendant has, with full consent of the plaintiff, obtained a portion of the latter's extrinsic and acquired rights in the shape of goods, estates or money ; and for this, within a stipulated time, he (the defendant) has undertaken to render adequate pecuniary compensation. By his failure to do this he commits an act of negative injustice, and stands accused of having unduly trespassed on the property of his neighbour. Surely then a law is desirable which shall compel restitution, which shall enforce an inquiry into the defendant's resources, and, should he be unable to satisfy the plaintiff by means of cash, property, or collateral security, the law in our opinion ought also to consider whether he is not able by professional labour to work out the debt, and decree accordingly. In all this there is reason and justice : but what is the actual practice of the law of England ? Discovering that his debtor's conduct has been negatively unjust, the creditor forthwith himself commits an act of positive and flagrant injustice ; and in seven cases out of ten without deriving any real advantage from his proceeding. Forgetting that the debt arose from a contract to which he was himself a voluntary party, he in the first place deprives his debtor of the natural and inherent right of liberty, a right the next and dearest to life itself, (occasionally superior in value to life,) and compared with which all extrinsic rights are like straw and dust in the balance ; secondly, he deprives him of the right to labour in his proper vocation, which constitutes the poor man's capital, whereon he subsists ; thirdly, of the surplus profits of that labour, which ought to be applied in liquidation of debts, or the better

maintenance of his dependent family. Having done all this, the creditor of course demands, fourthly, the original debt; and, fifthly, enormous law-costs, amounting often to 40s. or even 60s. in the pound. These facts are glaring and undeniable; but by what efforts of sophistical reasoning it can be made apparent that to take five values for one value (when there has been no criminal act) is reconcilable to justice, we remain utterly at a loss to conceive. In all countries except England such proceedings would, on the contrary, be regarded as grossly iniquitous and essentially fraudulent. The merchant or money-lender is not compelled to trust: he enters into the contract with his eyes open to the uncertainty attending the worldly circumstances of almost every man. Why, then, should he be encouraged to inflict a punishment so outrageously disproportionate and unmerciful, for consequences arising out of his own voluntary act and deed? If indeed the ostensible object were gained, if by such proceedings he effected those purposes which are now for the first time distinctly and rationally aimed at in the Attorney-General's Bill, we should at least hear a ready defence from Utilitarians. But the truth happens to be far different: the punishment is inflicted, but the benefits, as we have shown, consist in a mere chance, always attended with risk, and in seven cases out of ten affording no better result than the cutting out of Antonio's heart would have proved to the relentless Jew.

8. We shall now briefly notice the cavils which have been started against the Attorney-General's Bill on account of the expense attending its operations. If the new plan be so seriously objectionable on this ground, how can it be explained why the Duke of Wellington and other Conservative Peers have so long, silently and calmly acquiesced in the expenditure caused by the present system, which on inquiry will be found most inordinately? Let it be observed, by the way, that law-costs are not to be fairly estimated from the printed tables usually quoted, but from investigations into the actual and unavoidable consequences of our daily practice. The number of arrests for debt, as we have already observed, averages annually from 35,000 to 40,000, and allowing 10% as the costs of each arrest, (which, although it may seem theoretically a high charge, is in reality far below the average mark.)

we shall have at the commencement an outlay of 400,000*l. per annum*. But, as every one conversant with the subject will be prepared to certify, all this is but a drop in the ocean compared with the aggregate of expenditure and loss which directly or indirectly, yet inevitably, arise from our system of "elegant fiction." Nor would it be difficult to prove that the extortions now practised, by an abuse of arbitrary power upon personal liberty, are immensely greater than any which could take place under a law which has for its sole object the attainment of power over property. Making every fair deduction for processes which do not ripen into trial, judgement and execution, it would be absurd to reckon the average costs on 40,000 processes at less than 20*l.* each. Then, allowing for expense in lock-up houses 4*l.* per man, we have by these items 860,000*l.* Recollect also that not fewer than 15,000 persons are perpetually detained in a state of compulsory idleness; consequently the expenses of their subsistence, together with that of their family dependents to the number of 30,000 more, must (on account of that idleness) be reckoned as so much lost to their estates, and will amount to at least a million per annum. But these are only the more obvious and striking items at the commencement. Calculations have repeatedly been made, including of course the revenues derived by and necessary for the support of our debtors' prisons, and the result is that on a fair estimate the expense, direct and indirect, of our system of arrest amounts to not less than four millions annually! Has the Duke of Wellington any good reason to apprehend that by the Attorney-General's "innovations" this very *moderate* scale of expense will be augmented?

It is, we believe, scarcely requisite to notice the endeavours which have been made by Tory organs to persuade the public that, by sanctioning arrest for debt on accusations of intended fraud, the Attorney-General virtually abandons and defeats his own professed object. This clause in the Bill has been industriously represented as a novel solecism, which forsooth will give rise to flagrant abuses injurious to the boasted "liberty of the subject;" whereas the truth is, that a law precisely similar to that proposed by Sir John Campbell has always existed in Scotland, yet in such manner guarded and restricted that any attempt at abuse of the power which it

affords has not occurred once in twenty years. Yet this is held up as a dangerous and cruel innovation, in a country where at present there exists an absolutely unrestricted power enabling any rogue to arrest whomsoever he pleases, (senators and attorneys excepted,) without one word of examination or cross-questioning as to whether his allegations be correct or utterly groundless! The readiness with which Conservative statesmen swallow camels, whilst they strain fearfully at gnats, cannot be sufficiently admired: in the former operation no Chinese or Indian juggler can equal them.

9. Among the various objections to reform in our laws, the most eccentric is the insisting that arrest for debt is gradually declining in estimation, and that if let alone the practice will fall into complete desuetude. If so, how happens it that from 14,000 to 15,000 debtors are still constantly confined, or that 20,000 writs are annually addressed to the Sheriff of Middlesex alone? But, to speak theoretically, on what principle is it supposed that the practice will be allowed to fall into desuetude? Not, surely, because it is found ineffectual, for creditors must employ the present law as long as they have no better. Is it then supposed that on principles of humanity and justice creditors are inclined to waive that power, however useless, which our law affords them? We humbly submit that this is rather too much to expect in England. Once establish by law that on a mere accusation of debt a dying invalid may be dragged from bed to prison, and that a certificate of his condition signed by the whole College of Physicians shall be of no avail to protect him, in vain will the Christian preacher inculcate the doctrine "Do unto others as ye would they should do unto you," and extol the virtues of humanity and charity: the very Government under which he lives and preaches laughs him to scorn! But look at other countries; look, for example, at Scotland. On such occasions the charge of rebellion is *there* in vain; the fiction, however elegant, is dissolved by the solitary voice of one medical attendant, and a creditor who should still indicate his wish (however useless) to persist in the process, after being apprised that it would tend to shorten the debtor's life, would without one moment's hesitation be stigmatized as a murderer. How differently do we regard identical circumstances on the other side

of the Tweed! On this head the private records of the Middlesex and London Sheriffs' jail would form the best illustration; and it is almost needless to repeat that in senseless barbarity our boasted law finds no parallel upon earth.

10. With regard to the Insolvency Court, as by all classes of the community (systematic rogues and swindlers excepted) it is already looked on with abhorrence and disgust, to dwell on its defects would be a mere waste of time. Considering the natural results of the wise plan devised in the enlightened age of Edward III., the establishment of this Court, as population and commerce increased, became unavoidable. Our prisons were all crowded, and afforded not sufficient accommodation. At length it was acknowledged that to confine so many people without any real criminal charge, and for not doing what they could not do, had attendant inconveniences which every year increased. And what was the remedy? a Court, of which the doors are closed against every applicant whom, on its own ostensible principles, it ought to relieve; for to obtain a hearing and judgement without the command of ready money is impracticable,—a Court moreover which, professing to release debtors who render a fair statement of their circumstances, yet subjects all applicants, without variation or exception, to a long detention in prison, sufficient to alienate every connection, to bring ruin on their families, and break irretrievably all habits of industry, and which, though intensely painful to every honourable mind, is only laughed at by the swindler,—a Court whose boasted severity against fraud consists merely in protracting the term of that identical punishment which the law already inflicts on individuals who are pronounced worthy of honourable acquittal!—a Court whose judgements, instead of being formed on evidence respecting the moral character and motives of the insolvent, hinge in ninety-nine cases out of every hundred on senseless technical formalities,—a Court, finally, through whose ordeal the most unprincipled debtors every week escape with impunity, but where to predict how long an applicant may be kept waiting is impossible; for though the term of imprisonment appointed by our wise law is six weeks, yet on an average we believe that six months may be considered as the time required for “*working*” insolvency cases, and the slightest de-

fect, in technical form, (which rogues always guard against) will, without any imputation of fraud, produce a dismissal of a petition.

11. Though last not least comes the never-failing objection to this as to all national and beneficent measures,—the Peers are against it; they will not pass the Bill, and therefore, in the opinion of the faction, it ought not to be passed. But are the House of Lords, as an integral part of the British Constitution, fairly represented by the *Tory clique*? Because the majority of the British peerage happen to be weak or wicked, or both, is this an adequate reason for abandoning any praiseworthy purpose? On the contrary, common sense and experience equally demonstrate that, where sufficient energy and perseverance are displayed by the people and their representatives, a sound measure will always be carried in spite of the barriers which ignorance, party spirit and low cunning have raised against it.

If it be granted that no man deserves confidence as a judge unless he brings to his task a competent knowledge of the subject and entire disinterestedness, it follows that on the Attorney-General's Bill the majority of Peers are incapacitated from judging. Their ignorance of the matter is profound, their prejudices are wounded, and their selfish interests apparently compromised. From individuals so circumstanced can the truth then be expected? No; they plead vehement anxiety for the protection of trade and commerce, as at other times they parade their unquenchable fervour in support of the English Protestant Church! "But," say their adherents, "if ancestral property is to be placed under the power of creditors, where would be the stability of that order from whose legislative wisdom and 'firmness' we derive such advantages?" At present we shall not pause to consider how much of wisdom can with truth be imputed to the *Tory clique*, or how far a stability which depends on the non-payment of debts is entitled to respect: on the contrary, we shall content ourselves with putting the plain question, Wherefore should English lords not be contented with such laws in regard to property as have been, and now are, binding on the peerage of Scotland, where landed properties, unless when guarded by entail, are always liable to judicial proceedings? If the no-

bility and gentry of Scotland contrive to maintain their dignified character, and contentedly exist under such merciless infliction as that of having their estates rendered liable for debts, what, we ask, are the national peculiarities of our English aristocracy on which they found their claims to exemption, and on account of which their ancestral honour becomes so lamentably brittle?

But there exists another and far more important cause for the obdurate opposition of Conservative Lords to abolition of arrest for debt. Liberty is a natural inherent right, to which all the gold, silver and diamonds on earth are as dust and ashes in comparison. The deprivation of this right often frustrates, though it cannot annihilate, the cherished motives of a whole previous existence. The prisoner survives to behold time, the "stuff whereof life is made," misapplied against his will, and in his inmost heart he cherishes the bitter consciousness that, without having committed any crime, he is thus deprived of property which once gone all the powers of all the generations of man cannot restore, and to which the pretended losses of his creditor are in comparison but a cipher. The latter boldly pleads in self-defence that he has only exercised that venerable English law, to the operation of which he is himself equally liable. Mark the results: a prisoner for debt, who calmly and tranquilly submits to a sacrifice like this, may be a despicable knave, yet he is precisely the servile and venal tool which a depraved oligarchy would wish every subject of Britain to be, so long as that venality and servility can be rendered available for certain purposes. And in most instances the arresting creditor is no better: one quietly barter his liberty, the other coolly deprives a fellow-creature of that most precious of rights. Will either of these worthies hesitate for one moment to barter his political principles? or rather, is it possible to suppose that either has any principle or actuating motive but that of grovelling sordid subserviency to mammon? The short-sighted policy of the Tories will induce them to stickle hard for the continuance of imprisonment for debt, as one mode of subverting those principles which they cordially detest and would gladly eradicate from the minds of the people.

In the preceding eleven sections we are tolerably confident

that no clause has been set down which will not bear the strictest investigation. Within a brief space we have shown, first, that arrest for debt is an outrage on the principles of the Constitution ; secondly, that by detaining 15,000 persons constantly imprisoned, and depriving 30,000 more of their usual support and protection, it propagates and fosters crime and demoralization ; thirdly, that instead of supporting, it materially injures our mercantile interests ; fourthly, that the system is an outrage on universally acknowledged principles of religion, justice and common sense, and without a parallel in any other country upon earth.

ARTICLE IV.

Transportation and Colonization, or the causes of the comparative failure of the Transportation System in the Australian Colonies, with suggestions for ensuring its future efficiency in subserviency to extensive Colonization. By JOHN DUNMORE LANG, D.D. Principal of the Australian College, and Senior Minister of the Church of Scotland in New South Wales. London : 1837.

EVERYBODY knows that the vast territory of Australia is distinguished by the most grotesque variations of the customary phenomena of nature ; nettles and lilies grow to twenty feet in height, palm trees sprout like celery, trees are there with the leaves twisted out of the ordinary position, but none of them bear eatable fruit ; marsupial quadrupeds and birds without wings scour the plains ; the swans are, of course, black ; horned bats, vampires, or flying foxes, migrate across the Indian seas ; it is said that the native dogs can neither bark nor swim, and no other species of quadruped found there is to be seen in any known part of the globe. The Austral negroes, scantily sprinkled over the land, enjoy the smallest possible share of the characteristics of the human race ; and the very seasons in that clime deviate from the ordinary succession of

fertilising showers and ripening suns, into long uncertain periods of cold and heat, drought and inundation. These peculiarities have been observed on the narrow rim of that island-continent which discovery and enterprize have made our own; and the imagination may fill up the wide untraversed interior with wonders, as yet unrecorded by man; with vast inland seas, peopled by strange monsters, and known only to savage tribes hitherto without a place in the catalogue of mankind. But whatever diversion or dismay these unwonted phenomena in the animal and vegetable kingdoms may afford to the naturalist, there is scarcely a more absorbing inquiry to the student of Man's wonderful history than that which concerns the future destinies of these prodigious regions, now first laid open to the axe of the pioneer and to the certain march of our race. This is futurity which lies before us; these are promised lands: and if we are saddened at times by the wrestling and striving of the crowd about us, by the decline of noble energy and generous resolutions, by the increase of artificial wants, and by the too unscrupulous use of all means to satisfy them, let us look out across the globe to those tracts—as yet wider than the imagination of all mankind can covet or conceive—which are to be taken, and tilled, and dwelt in by the sons of men. For whilst we live in the hurry and the conflict of this great metropolis, we have the means of surveying from its central point the noblest empire which a nation ever called its own; and the illimitable destinies of those unborn realms, whose origin was England, are at this moment swayed by the exertions, by the institutions, and, most unhappily, by the vices of our own people.

In proportion as we entertain a deep-seated and religious conviction that Australia is one day to be the seat of a mighty nation,—in proportion as we proudly and joyfully contemplate the rise of another people of British origin,—with just so much of shame and sorrow do we reflect upon the conduct which England has held toward this magnificent possession. We have made it the sink of all our vices, we have peopled it with our crimes, we have scarcely attempted to counteract by free emigration the evil tendencies of a system of penal colonization; we have allowed the standard of morality there to sink below that of any other civilized community on the face of the earth;

we have suffered the felons whom we repudiate from our cities and shores to form a social body, which glories in its infamy; we have given birth to a people whose heritage lies among the isles of the far East, but which has been bred with a loathsome taint in the constitution, to make it a curse even to itself, instead of a blessing to the world. The inversion of the laws of moral and social order, now to be witnessed in New South Wales, is far more startling than the anomalous natural productions of that country: the *Omithorhynchus paradoxus* will ultimately find its place in the systems of scientific men, and if it did not the systems must be changed; but we are responsible as a nation for the existence of this paradoxical community, astonishingly compounded with the passions of brutes, the vices of savages, and the arts of civilized life; and assuredly no place can justly be assigned to so monstrous a production among the polite nations of the globe.

The system of secondary punishments which has given rise to this state of things has been very warmly reprobated for thirty years or more. Mr. Bentham and Sir Samuel Romilly exposed its vicious tendencies before experience had demonstrated them. Within a more recent period Archbishop Whately has taken the lead in denouncing the system of transportation altogether; and, whilst we write, a Select Committee of the House of Commons is hearing evidence, which we understand to be of a nature very unfavourable to the plans hitherto pursued. It appears to us that the subject naturally divides itself into two distinct branches:

First, that of the present state of the colony, in which we shall inquire how far its welfare and prospects are affected by the constant importation of a convict population; and

Secondly, that of transportation itself, considered as a means of secondary punishment, and judged by its effects on the convicts and the criminal population of the mother-country.

In the first part of this inquiry we shall derive much assistance from Dr. Lang's work, which advocates the general principle of the transportation of convicts, though it censures in the strongest manner the present mismanagement of the system. The defect common to most writers upon the subject appears to be that they do not take both elements of the question fairly into consideration, whilst the interests of the

colony and of the mother-country have been regarded as incompatible by many advocates of the system. In the only valuable part of this book Dr. Lang treats exclusively of the interests of New South Wales; but the reasoning of the Archbishop of Dublin applies to the system of transportation in general, and might be directed with equal cogency against all secondary punishment of the same nature, since it leads to the inevitable conclusion that such punishment is equally incompatible with the interests of both the mother-country and the colony.

Our limits forbid us to follow Dr. Lang into the historical disquisitions in which he indulges, concerning the *relegatio* of the poet Ovid, and the *deportatio* to which he conceives the Apostle St. John to have been subjected in the island of Patmos. These learned trifles are pardonable in an author who composed his work to wile away the tediousness of a five months' voyage. But he shows signs of a somewhat novel apprehension in the earlier pages of his work which cannot be allowed to pass so easily, as it indicates a bias in the Senior Minister of the Scotch Church in New South Wales with which his readers ought to be acquainted. We are informed in the Preface that, as "all convicts from Ireland, of whom ninety-five per cent. are Roman Catholics, have hitherto been sent to New South Wales, a great preponderance is likely to be given to the 'Terry Alt and White Boy' population, which may hereafter most injuriously affect the peace and prosperity of the colonies;" and that "as the Roman Catholic communion of New South Wales already comprises not less than one third of the whole colonial population, it is evident that a free emigrant population is necessary, of such a character as to neutralize and counteract the characteristics of the South of Ireland population." (Page v.) This is a very amusing instance of Scotch bigotry on the part of the worthy divine: as for the sweepings of Protestant jails and the outlaws of England, we are assured that "the rigorous enforcement of a proper system of penal discipline in New South Wales and Van Dieman's Land would have proved corrective or reformatory in the highest degree" (p. 23); but as for Irish sinners, men labouring under the double taint of White-boyism and Popery, even as free emi-

grants, these are settlers who threaten the peace of the colony;
—*Hos tu, Romane, caveto.*

Yet upon the whole, where his religious and political leanings do not influence his judgements, we believe that Dr. Lang has drawn up a fair view of the state of things in Australia, where he had great opportunities of observation during a residence of thirteen years; and we shall proceed in his company to give our readers some account of the shocking evils which have arisen under the influence of our penal system.

The transportation of convicts was formally adopted by the English Government in the year 1619, when James I. ordered a hundred dissolute persons to be sent to Virginia, on the principle that their labour would be more beneficial to an infant settlement than their vices could be pernicious. The increasing supply of negro-slaves in the American colonies rendered convict-labour less valuable, and the increasing prosperity of the Anglo-Americans induced them to remonstrate against the practice of infusing so pernicious an element into their population. But the colonial policy of this country was governed by such narrow and selfish maxims, that when Dr. Franklin protested, as a delegate from the colonists of Pennsylvania, against the course which had been pursued, he was told that, as it was absolutely necessary to remove convicts from England, they must *therefore* continue to be transported to America: he replied by asking the ministers, *if the same reason would justify the Americans in sending their rattlesnakes to England?*

Our author seems perfectly satisfied that, although these convicts were literally bought by the planters and worked with the negro-slaves under the lash of an overseer, transportation to the American colonies proved highly efficient in securing the attainment of the great ends of punishment—the prevention of crimes and the reformation of criminals. For he lays it down as a maxim, sanctioned by experience and safely to be acted upon, that where the free and untainted part of the population is beyond all comparison greater than that of the transported criminals and their immediate descendants, no permanent evil is done to the colony, and the strongest inducement is given to the convict to counterfeit, if not really to possess, the character and habits of the repu-

table free men. This is the ground upon which Dr. Lang justifies the practice of transporting convicts to infant colonies, provided a sufficient stimulus be given to that free emigration which is to counteract its evils. For our part we utterly repudiate this doctrine: the evil cannot be so great indeed when the convicts form a small minority, as when they amount to a large majority; but that evil is only diminished in quantity. There is no absorbing or neutralizing quality in the constitution of society, to efface the darker stain and the bad element which every unreclaimed criminal brings with him to the land of his punishment and his subsequent adoption. One of the springs which feed the growing population is poisoned; and in analysing the very remarkable differences which are known to exist between the Northern and Southern states of the American Union, it is probable that the admixture of a convict population, in however small a proportion, has had some influence in establishing a lower standard of public morality in the states of the South than in those of New England, to which no convicts were ever transported. But neither the injustice nor the impolicy of the system was duly considered by the English Government in the last century.

“Transportation to the American colonies was consequently continued for a few years longer; but the issue of the war of American independence having rendered all further debate on that subject unnecessary, the British Government ultimately felt themselves obliged, from sheer necessity, either to fix upon some new place for the transportation of criminals forthwith, or to discontinue the practice altogether; the unprecedented accumulation of criminals in the common jails of the kingdom during the war, and for some time after its termination, being an evil of such enormous magnitude as to require an immediate and effectual remedy. In this conjuncture various expedients were proposed. A plan for the establishment of penitentiaries, strongly recommended by Judge Blackstone, the Honourable Mr. Eden, (afterwards Lord Auckland), and the philanthropist Howard, was for some time under favourable consideration, but was afterwards found inexpedient, and ultimately rejected. Confinement in the hulks, however, with hard labour at public works, which was intended as a modification of this plan, was ordered to be adopted partially. The formation of a penal settlement on the west coast of Africa, which was also proposed a second time, was again rejected, on the grounds on which the transportation of criminals to that country had already been successfully opposed by Sir George Saville sixteen years before; and it was at length determined, after much and earnest deliberation, to form a penal settlement at Botany Bay, on the east coast of New Holland, which had then

been but recently discovered and described by the celebrated English circumnavigator Captain Cook. A penal settlement was accordingly formed at Port Jackson, a few miles to the northward of Botany Bay, under the command of Captain Phillip, of the Royal Navy, in the year 1788; the first detachment, commonly called the First Fleet, consisting of six hundred male and two hundred and fifty female convicts, under a guard of about two hundred marines (including officers), forty of whom were accompanied by their wives and children; the Second Fleet, which arrived in the year 1790, carrying out one thousand six hundred and ninety-five male, and sixty-eight female convicts."—Page 15.

The system thus commenced in 1788, under the auspices of Governor Phillip, has continued ever since, though (as we shall subsequently show) not without the strongest remonstrances frequently reiterated by members of the British Parliament, who were peculiarly fitted to point out its fatal consequences to the colony of New South Wales, and its numerous defects as a means of secondary punishment. Up to the close of 1820 the population of New South Wales and Van Dieman's Land amounted to 29,407 souls; and in that interval of thirty-three years from the foundation of the former settlement 25,878 male and female convicts had arrived there from the mother-country. At the close of Sir Thomas Brisbane's government in October 1825 the population of New South Wales amounted to 36,336 persons, of whom 23,504 were or had been convicts, and 3150 were free emigrants. In the course of eight years and a half, from 1828 to June 1836, 28,402 convicts and 10,284 free emigrants arrived in the settlement: but Dr. Lang assures us that these ten thousand emigrants were most of them very dissipated and worthless characters; and that of the mechanics, with their families, who had been induced to emigrate to New South Wales by colonial bounties, three fifths have proved virtuous and industrious persons, the rest being a dead weight upon the colony.

These facts furnish abundant causes for the very deplorable results which we shall shortly have to describe. "The *scum* of the people, and wicked, condemned men," (to use the forcible expression of Lord Bacon,) "have been taken to be those with whom you plant." But although Dr. Lang carries out Lord Bacon's metaphor, and maintains that the moral abominations of the empire may be usefully employed in the shape of manure around the roots of that vigorous

plant a British colony, he will agree with us that the manure has been laid on in such quantities as to make the growth of the plant most foul and rank, and even to corrupt the natural fertility of a virgin soil. "For the benefit of mankind at large, it is desirable that the offsets which are to be employed as new plants should be taken from the most healthy stocks and the most flourishing roots; that the people who go forth to colonize unoccupied lands, should go forth from the nation, whose political constitution is most favourable to the security of individuals; that the new colonies should be swarms from the most industrious hive, and that their education should have formed them to those habits of frugality and labour which are necessary to make transplanted families succeed." (Bentham's *Rationale of Reward*, b. iv. ch. xiv.) Such are the true and simple principles on which colonies ought to be founded; since their only real use is to cultivate new lands, and to establish free, prosperous and virtuous states. But in New South Wales the sending out of industrious settlers, suited to the country, has been wholly neglected till within a very recent period, and is still most inadequately followed up; though the very first governor of the colony declared, in his despatches of the year 1790, that the settlers appeared to him to be absolutely necessary.

"If these intentions of the founders of the colony of New South Wales had been followed up; if the reiterated recommendations of the first governor of that colony had been duly attended to, and the requisite means employed to induce agricultural and other emigrants of reputable character and industrious habits to emigrate to the new settlement; if, for instance, in addition to the encouragement proposed to be held out to such emigrants by Governor Phillip, a moderate salary had been guaranteed to any Protestant minister, of approved character and zeal, and of whatever communion, who should accompany each small detachment of emigrants proceeding to New South Wales, of not less than twenty families each, to dispense the ordinances of religion to these families, and to whatever convicts might be employed either in their service or in their vicinity,—the happiest results would doubtless have been realized. In particular, the settlement would have been able to supply itself with the necessaries of life at a much earlier period than it actually was; a state of things which would have saved the Government, in the way of outlay for imported grain, as much as it would have cost them to form at least twenty parishes in different parts of the territory, having each of them a nucleus of from twenty to thirty free emigrant families. But the moral and political effects that would have resulted from the adoption of such a course are of

incalculably greater importance than the mere diminution of expenditure, to which it would undoubtedly have led. It would have afforded the governor, agreeably to the reasonable anticipations of Captain Phillip, powerful and effectual support in the administration of penal discipline, supplying him with fit persons for situations of trust or authority. It would have established, from the very first, something like public opinion in the colony; which would very soon have gathered strength enough to put down injustice and oppression on the one hand, and outrageous immorality on the other. It would have placed the trading concerns of the colony, whether on the large or on the small scale, in the hands of reputable persons; and prevented that system of legalized chicanery, extortion, oppression and robbery, into which they actually degenerated in the hands of liberated convicts, or of free persons deeply imbued with their dishonest principles, and living in willing conformity to their disreputable practices. It would have rendered it necessary for the ticket-of-leave holder, or emancipated convict, to obtain his livelihood by honest industry, in clearing and cultivating land, or in the service or employment of reputable freemen, instead of living a life of idleness and luxurious indulgence, or preying like a horse-leech upon society, as a publican or general dealer. It would have given the requisite encouragement and protection to the really reformed emancipated convict, by confirming him, on the one hand, in his returning attachment to the pursuits and pleasures of honest industry, and by rescuing him, on the other, from the fangs of the publicans and dealers of his own class and order. It would have relieved several successive governors of the colony from the mortifying and humiliating necessity of purchasing the patronage of men who owed their own lives to the lenity of the laws, and of whose thorough reformation there was no evidence but their acquisition of wealth, in order to secure an adequate counterpoise to the weight and influence of a few individuals, whom they fancied opposed to their legitimate authority. It would have kept the convicts and emancipated convicts in their proper place in the social system, and saved the colony from the evil consequences that have already resulted from the growth and ascendancy of a class in colonial society, distinguished by the name of emancipists, and actually glorying in the recollection of their having once been outcasts from society for their crimes*."—Page 46.

* * As a proof of the correctness of these statements, and of the reality of the feeling I have represented as existing extensively in New South Wales, I would merely mention the following fact:—At an anniversary dinner, held by the emancipists of Sydney, in the year 1822 or 1823, to celebrate the founding of the colony, Mr. Edward Smith Hall, a *free emigrant*, and for a long time past the editor of a paper called the 'Monitor,' which for the last ten years has been pandering to the worst passions and feelings of the convict and emancipated convict classes of the population, and doing an infinity of harm to the colony, actually expressed his 'sincere regret that he was not an emancipist himself,' or, in other words, that he had not arrived in the colony as a convict. If Mr. Hall had been a person of disreputable conduct, the circumstance would not have been so remarkable; but as he has all along maintained a reputable character, it only serves

Whether all these results would actually have been attained, as long as penal colonization (under whatever system) continued, may certainly be questioned: but the experiment was never tried, at least in New South Wales; though the colony of Van Dieman's Land, which was formed at a later period, became the resort of a considerable proportion of respectable free emigrants.

"From the entire want of such a population in New South Wales, the tone was originally given to society in that colony by convicts and emancipated convicts; who, being uncontrolled by the voice of public opinion, and having no stimulus from without to induce them to pursue a more reputable course, speedily presented one grand scene of enormous profligacy; in which, indeed, the very officers of Government, so far from interposing in the way of prevention or counteraction, for the most part took the lead, and set them the example. In such a state of things the reformation of the convict population was utterly hopeless; insomuch that, in process of time, the very word *reformation* had almost lost its English meaning in New South Wales; the reformed emancipated convict of the era of Governor Macquarie being not the man who evinced a change of heart and character by a change of habits and practice, but the man who had succeeded in acquiring wealth, by any means however unworthy, and who perhaps notoriously expended that wealth in the grossest licentiousness."—Page 71.

"In such a state of things—a state in which the standard of morals was authoritatively lowered, and a false estimate of men and manners publicly established, and in which moreover everything was done that could be done virtually to divest the prison-population of all sense of degradation and criminality—it is superfluous to inquire whether transportation had proved effectual, either for the prevention of crime or for the reformation of criminals."—Page 74.

Not only were these corrupt elements of the community recklessly heaped together,—not only were the evils inherent in a system of punishment, intended to drain England of its refuse population, wholly unchecked by the internal regulations of the colony, and by an infusion of some timely corrective;—but the fermentation of this crude society, or rather the dissolution of all social discipline, was accelerated and encouraged by physical stimulants. All improvement of the convicts was lost sight of in the system which assigned them

to demonstrate the pernicious results that may be anticipated from attempting to form a colony exclusively of 'wicked, condemned men.' There were very few free emigrants in New South Wales when Mr. Hall expressed himself in the manner above mentioned: it would be somewhat difficult to find a respectable individual of that class who would venture to do so now."

to the service of *emancipists*, who had passed through the same infamous probation, or of settlers, who had sunk for the most part to the standard of morality received in the colony; for in New South Wales those who are not, or who have ceased to be, the victims of the law, become its executors in the capacity of slave-masters.

The use of ardent spirits was favoured to an extent which is scarcely credible.

“ For, besides the regular and ample ration of ardent spirits that was served out to all free persons in the service of Government, whether civil or military, from the highest in command to the humblest menial, there were regular and periodical issues of large quantities of ardent spirits, free of duty, to government-officers of all ranks, from the first settlement of the colony; and as numerous convicts were from time to time acquiring their freedom, while a system of concubinage with female convicts was extensively and indeed almost universally practised by the free population, there was no want of fit persons to dispose of the officers' rum, and to hold out the requisite inducement to all convicts still in bondage to rob and steal, to procure the means of indulgence. It had thus virtually become the interest of the free portion of the population of New South Wales, from the first establishment of that colony, to frustrate the grand object of its wise and beneficent founders, in regard to the reformation of the convicts, and to do all that in them lay to render the latter worse than ever; the Government in the meantime supplying the means of their general demoralization with a liberality and profuseness above all praise. For until so late a period as the 18th of August 1816, when the demoralizing practice was discontinued by order of Earl Bathurst, *ardent spirits were held by the colonial Government as the circulating medium or current coin of the colony; they were given in payment for work of every description performed for Government*, and issued out in certain fixed quantities to civil and military officers, overseers, clerks and constables, by way of remuneration, as it was termed, for imaginary services. And so effectually had this preposterous system proved in defeating the great ends of the establishment of the colony, in the course of the first twenty years after its original settlement, that shortly after the commencement of the present century the colony had become one grand scene of brutal dissipation and licentiousness, of lawless violence and rapine. The following is the testimony of a competent and unprejudiced witness, who arrived in the colony about the year 1802, as to the scenes that were then generally exhibited in New South Wales among the emancipated convict settlers and their convict servants :—

“ ‘ Eighteen years ago, the period when I arrived in this colony, it was lamentable to behold the excess to which drunkenness was carried: it was no uncommon occurrence for men to sit down round a bucket of spirits, and drink it with quart pots, until they were unable to stir from the spot; and frequently did the settler involve himself so deeply in debt by drunk,

eness that it terminated in his ruin.'—Dr. Redfern, in reply to Governor Macquarie's Queries. January 1820. Parliamentary Paper."—Page 78.

Under Governor Macquarie a monopoly of all the ardent spirits imported into the colony was granted to three individuals, on condition of their erecting a public hospital at Sydney: as if the only means of providing relief for disease were to be found, by some ridiculous system of compensation, in the sale of those draughts of death, which would inevitably disseminate amongst the wretched population all the worst disorders of body and soul! The following table will show that if these liquors have ceased to be the circulating medium of the colony, the consumption is still what might be expected from such extraordinary encouragement to vice.

"Return of the Quantity of Spirits on which duty has been paid in the colony during the following years, with the amount of the duty:

Year.	Gallons.	Duty.		
		£.	s.	d.
1826	149,902½	48,655	12	11
1827	139,065	41,555	0	10
1828	168,328	52,671	18	0
1829	186,114½	61,592	17	8
1830	202,773½	67,498	18	8
1831	223,900	74,684	11	10
1832	247,295	82,627	16	7
1833	287,782	95,535	4	9
1834	278,841½	107,955	9	1
1835	291,138	117,161	8	11.

"The population of the colony at the close of Sir Thomas Brisbane's administration, in October 1825, was 36,336; and at the end of the year 1835 it was in all likelihood not less than 80,000, allowing for births and the increase from immigration and the importation of convicts, since the census of 1833. It follows, therefore, that the consumption of ardent spirits in New South Wales amounts at present to 34 imperial gallons annually for every man, woman, and child in the colony; the entire consumption for the United Kingdom being one gallon and a small fraction for each individual. Allowing, however, for convicts in actual bondage; to whom spirits are not issued, and for children and other natives of the colony, who are generally indisposed to the use of ardent spirits, the number of the actual consumers of this vast quantity of intoxicating liquor does not, in all probability, exceed 40,000 persons; each of whom must consequently consume at the enormous rate of upwards of seven gallons a year!"—Page 63.

The duties now levied on spirits at Sydney, under acts of Parliament, vary from 3s. per gallon on spirits made from grain produced in the colony, to 10s. 2½d. on imported spirits.

In the year 1834 the importation of spirits into Sydney was (according to Mr. Macculloch's Commercial Dictionary), Rum 256,512 gallons, Brandy 51,846 gallons, Gin 40,798 gallons.

Dr. Lang seems to think that a rigorous and complete prohibition of ardent spirits by law ought to have been regarded as a measure of absolute necessity. We confess that we do not believe such an enactment to be possible now, or ever to have been possible; the facilities of evading it are too great, and the temptation to commit fresh offences by evading it are too strong. But at the pitch of excess to which intemperance has arrived in New South Wales, it is clearly incumbent on the administration to use all prudent means of repression; and not to expose fresh cargoes of convicts to the unbounded gratification of their universal propensity, without strenuous exertions to break through habits of drunkenness by some attempt at penitentiary discipline. Indeed the enormous prevalence of intoxication in New South Wales is a strong argument against the transportation of convicts thither. It would be advisable (if the interests of the settlement were considered) that habitual sobriety should be made a primary condition in the choice of emigrants, not habitual drunkenness, which has already borne its fruits in every variety of crime.

At present, however, no reformatory system of discipline is attempted; the convicts are dispersed, and are subjected to a thousand chances, which may make transportation either a prize or a blank; though, whatever be their fate, they can scarcely escape the depraved influence of the community into which they are received at the expiration of their term, if not before. Delinquents in the higher classes of society are notoriously worse subjects to deal with in all penal establishments than those criminals of humbler degree, who have fewer acquirements, less experience of the world in general, and often a better excuse for their offences. Nowhere is the influence of education more remarkably conspicuous than among the bad; and it has been observed in France, where large bodies of criminals are collected in the *Maisons Centrales de Détention*, that the fraudulent attorney is far more formidable than the rustic murderer. For (as we observed the last time we discussed these topics*) the heinousness of an offence affords no sound

* *British and Foreign Review*, vol. ii. p. 112.

criterion whatever for appreciating the depravity of the delinquent. In New South Wales the educated convict passes at once into a happy region, where his acquirements may yet do some service to the state, and his offences are very willingly overlooked. He becomes a clerk in a Government office; he doles out oracular maxims of the law to his fellows in exile; he may even rise to be the adviser of some judge-advocate, far more ignorant than himself of the statutes which he has broken; and at the expiration of a few years he may be received into respectable families as the tutor of youth, he may deliver public lectures on matters of government and legislation, or he may advocate the rights of convicts and the liberties of knaves with all the influence of the public press. These are not hypothetical cases; they have all actually occurred within the last ten years, and are occurring at this very day. If these pages are ever read in the literary circles of Australia, we can only beg to recommend to the serious attention of those convict critics and philosophers the eloquent paradox and distorted polity of Mandeville, appended to his fable of *The Grumbling Hive*, or *Knaves turned honest*; there, but not elsewhere, will they find that vice is the necessary basis of society, and that the follies and sins of the multitude "do something for the general good."

"Whether educated or gentlemen convicts should hereafter be transported to the penal colonies of New South Wales and Van Dieman's Land, should the convicts in these colonies continue to be managed as they have hitherto been, will scarcely admit of question after the preceding details. But if the law is to be allowed to have its due course in future, and if that course is to be uniform, definite, and certain, I can see no reason why the educated criminal, who can make an apposite quotation from Lucretius, (as a felon in double irons lately did to a respectable traveller in New South Wales, who, from charitable feelings, offered him a piece of tobacco when passing the road-gang to which he was attached,) should not be subjected to the same course of penal discipline as the unlettered labourer from the bogs of Ireland. There are many good reasons why criminals of this description should be sent out of England; but there is no reason whatever why they should be allowed to nestle themselves in Sydney, to disturb a whole colony, by exciting the worst passions of the worst characters in the empire, and thereby to expose His Majesty's Government, as in the case of the convict Watt, to suspicion and distrust. There are fifty localities on the coast of New Holland, where a penal settlement, to be properly organized and conducted from the first, might be formed with the utmost facility. Let gentlemen convicts be transported for the future to a settlement of

that kind; and, if under sentence for life, let them never be permitted to leave it. Away with the mawkish sentimentalism of those who would tell us that such characters have never been accustomed to field-labour! It is necessary, I reply, that they should be accustomed to it: it is good for their moral health that they should learn to wield the spade and hoe; and it is surely much better for that of the nation, that they should learn the use of these implements betimes, than that they should be permitted to wield such an instrument, either of good or of evil, as the public press."—Page 122.

We are no converts to Dr. Lang's opinion that penal colonies, "properly organized from the first," can ever be formed either for the educated or the uneducated, either in settlements or in the wilderness. But notwithstanding the appalling picture drawn by our author, and corroborated by a multitude of witnesses, of the condition of those parts of New South Wales upon which the turbid and corrupt stream of transported convicts has so long been directed, there is much in the present state of industry and property in that remarkable country to warrant the most brilliant expectations, if we could venture to look forward to the total suppression of the present system. In the foremost rank of these cheering symptoms, the complete and increasing success of the sale of Crown-land in the colony deserves to be mentioned. This measure was adopted by the Government in 1831, the upset price being five shillings an acre; and the purchases have augmented with such rapidity, that the revenue arising exclusively from this source already exceeds 100,000*l.* per annum, and is expected to amount ere long to twice that sum. It was understood that this revenue should be exclusively applied to the promotion of free emigration*, and on the 1st of January,

* Such was the promise made by the Colonial Secretary when Lord Goderich filled that office; but we are sorry to learn from the concluding chapter of the work before us that a deduction of 45,000*l.* a year has since been made from the land revenue, by a late Secretary for the Colonies, in order to defray the expense of the colonial police. This measure seems to have excited universal disapprobation in Australia; for it appears that the ordinary revenue of the colony in 1835 and 1836 was found sufficient to meet the whole additional charge for the police. But nevertheless a sum of 80,000*l.* was kept back upon the estimates of 1837, as the probable balance of revenue of Crown-lands, after deducting the charges of immigration. This was done by the Government, which had engaged to apply the whole of the proceeds from the sale of Crown-lands to that vast system of immigration upon which the prosperity and moral health of the colony mainly depends! The estimated expenditure of the Government of New South Wales for the year 1837 is 240,673*l.* 1*l.* 8½*d.*: and, including the above-mentioned 80,000*l.* thus diverted from its legitimate purpose, there are ways and means amounting to 364,545*l.* 2*s.* 7*d.* Not more than 8663*l.* was paid for the passage of free emigrants in 1835; and about 30,000*l.* was appropriated for the same purpose in 1836.

1837, there could not be less than 150,000*l.* of unappropriated land revenue in the colonial chest. Mr. Macculloch, in the last edition of his *Commercial Dictionary*, attacks the system of the sale of Crown-lands altogether, because all such sales must in his opinion be unfair, because better land is to be had at a cheaper rate in the valley of the Mississippi, and because it deprives the small capitalist of his capital at the outset of his enterprize. But that industrious writer has omitted to state that the proceeds of these sales were expressly intended to enable emigrants to defray the great expenses of the voyage to New South Wales; and that, by giving the emigrant labourer an advantage over the emigrant capitalist, the Government applied an encouragement to the emigration of that very class of the population which are most burdensome to England and most useful to the colony. The facts cited by Dr. Lang are all against Mr. Macculloch; for it is undoubtedly true that these lands, which he describes as so dear and so unproductive, are bought up with increasing avidity by persons who have made their fortunes in New South Wales.

The colonial boundary has recently been extended to Bass's Straits; and Van Dieman's Land has already sent out a settlement of squatters, who feed 30,000 sheep upon the fertile tracts near Port Phillip, where three million acres of excellent land have been discovered*. The South Australian settlements, formed in the course of last year, are rapidly increasing. On the 27th of July 1836 the colonists landed at a spot on Kangaroo island, which is very well adapted to be their port; whilst Colonel Light has proceeded to explore the main land up the Gulf St. Vincent, as far as Holdfast Bay, where the soil has been found to be of a very superior description for agricultural as well as pastoral purposes. To the north of the present colony, Dr. Lang points out the remarkable advantages which Moreton Bay and the Brisbane River (hitherto used exclusively as a subsidiary penal settlement) would offer to free emigrants; and we find with great satisfaction that he corroborates the

* Port Phillip was pointed out by Capt. Flinders (who discovered its vast bay in 1802) as one of the most favourable spots for an agricultural settlement on the southern coast. But the party of marines sent out under Colonel Collins in 1803 abandoned it for the south end of Van Dieman's Land, on account of the want of fresh water. The present settlement has only been planted there two years.

accounts which have of late attracted the serious attention of the Government to Port Essington.

"The climate of Moreton Bay, though somewhat hotter than that of Sydney, is equally salubrious; while the banks of the Brisbane river, and of the other two navigable streams that empty themselves into the Bay, together with the upland interior, present a vast extent of land of the very first quality, sufficient at all events to afford eligible localities for at least ten thousand families. Wheat grows sufficiently well on the uplands at Moreton Bay; but maize or Indian corn is a much more certain crop on the low grounds, the produce of the latter species of grain being from 60 to 100 bushels per acre. Indian corn is little used as an article of food for men in New South Wales, although it forms a palatable diet, and constitutes a principal part of the sustenance of the virtuous peasantry of New England: it is of great value, however, in the colony for the rearing of all sorts of domestic stock, such as pigs, poultry, &c. The sweet potato, which also forms a palatable food for man, is wonderfully prolific at Moreton Bay; and arrow-root of the finest quality has been grown in the Government garden at Brisbane river, at the rate of a ton per acre. The vine, the peach, the pine-apple, the orange, the pomegranate, the banana, the guava, the sugar-cane, the tobacco-plant, the coffee and cotton-bearing shrubs, and indeed all sorts of semi-tropical fruits and productions, grow luxuriantly at Moreton Bay; while the climate would admit of various important branches of cultivation that have hitherto been untried in New South Wales. In short, with ten acres of cleared land to begin upon, and rations for six or eight months, to be repaid within a given period, an agricultural labourer from Great Britain or Ireland would have no difficulty in paying for his land in the course of a very few years, and in making his family comfortable and independent for life; for, as the emigrants would of course be all settled on the banks of the Brisbane river in the first instance, steam communication with Sydney, which would be established forthwith as a matter of course, would supply them with a ready market for all their surplus produce, whether grain, fruit, pigs, or poultry. And if each detachment of a hundred families should contain such artisans and other operatives as would be required in such a locality, they would have all the more common appliances of civilization at command; while the clergyman and the schoolmaster, forming a necessary part of their parochial establishment, would, in all probability, maintain in their full force and operation all the moral restraints of their native vicinage. In short, as far the emigrants are concerned, the transition from the state of the humbler classes of society in the mother-country would be most desirable, while the benefit to the whole colony of New South Wales would be incalculable."—Page 178.

The advantages which must accrue to this country from a commercial settlement at Port Essington and Raffles's Bay (not injudiciously undertaken or rashly abandoned, like the foolish military expedition which occupied that spot from 1828 to

1829,) have been very clearly pointed out by Mr. George Windsor Earl, in a pamphlet on the commercial and agricultural capabilities of the North Coast of New Holland, and in his more recent and most valuable work on the Eastern Archipelago. We invite the attention of the public to these statements, which contain a vast quantity of practical details as to the state of our commerce, and the habits of the nations, in those rich and interesting parts of the world. The certain and immediate results of this new settlement may be briefly stated as follows. It would be of use as a refuge for the crews of vessels lost (as is too often the case) in the dangerous navigation of Torres's Straits. It would greatly facilitate our intercourse with the Moluccas and all the Eastern islands, giving us a decided superiority over the narrow and dishonest policy of the decaying Dutch colonies in Batavia and Timor, affording to British merchants that protection and that stimulus to trade which they have already derived to a lesser extent from the free port of Singapore, and offering a salubrious and permanent country to Europeans who wish to emigrate from India. The climate of Port Essington was found, during the late unfortunate attempt at military and penal colonization, to be so remarkably healthy that there is no country between the tropics which can be compared with it. The natural productions of the coast, as trepang, sago, tortoiseshell and teak-wood, are immediately available for the purposes of exchange with China. Cotton, and all the productions of the Southern States of North America, might be grown there, with the additional advantage of substituting for the horrors and losses of slave-labour the cheap labour of ingenious and industrious Chinese emigrants, who may be procured to any extent. What better or safer means can be devised for establishing the prosperity of that British people whose heritage lies, as we said in the beginning of this paper, amongst the islands of the Further East? We should then be receiving the gifts of those gorgeous and aromatic lands, without sacrificing the lives of Europeans to the influence of an Asiatic climate; and, above all, we should gradually find the means of extending our name, our civilization and our faith, not from the narrow walls of a factory, but from the ports and frontiers of a growing country of English origin. Such must

be the ultimate result, unless these brilliant hopes be again blasted by the baleful inoculation of a penal colony. We are happy to find that Mr. Earl reprobates in the strongest language Dr. Lang's plan of forming a distinct penal colony at Port Essington, as "a system fraught with destruction to every hope of prosperity for the settlement, and as a preposterous act of wickedness; since no advantage, either present or prospective, could possibly accrue from it." In fact Mr. Earl goes on to show that no penal settlement could possibly exist there, unless the convicts should be chained to the trees; so great would be the facilities of escaping from the colony, building a canoe to cross the smooth seas of the Archipelago, and adopting a life of piracy among the small islands. It seems that the inhabitants of the East have already but too much cause to know and dread the desperadoes from "Thiefo Country," as the Chinese call New South Wales, who have done enough to lower the exalted name of England all over India. Dr. Lang has most unceremoniously borrowed the views, and almost the very words, of Mr. Earl's pamphlet, without acknowledgement, in the following passage.

"Port Essington is a harbour second only to Port Jackson, and beyond all comparison the best yet discovered on the north coast of the Australian continent. It is situated at the northern extremity of the Coburg peninsula, to the westward of the Gulf of Carpentaria, and forms unquestionably one of the most commanding positions for a British settlement, whether in a commercial, in a political, or in a moral and religious light, on the face of the globe. Such a settlement, for example, would eventually command the commerce of the Great Eastern Archipelago, with its rich and varied productions, and its millions of inhabitants. It lies in the track of the Malay fleet that annually visits the northern coasts of New Holland, for *tre-pang* or *bêche la mer*, as well as in the direct route of all vessels bound from the east coast of that continent, through Torres's Straits, to India or China. And, besides the likelihood of its speedily becoming a favourite and extensive emporium of trade for the Eastern world, a settlement in that locality would doubtless very soon attract numerous Hindoos, Chinese, and Cingalese, who would introduce the various arts and industry of their respective countries."—Page 195*.

* Whilst these sheets are in the printer's hands, we learn that the Government has appointed a distinguished officer to form a settlement at Port Essington; though it is to be feared that the expedition will not be fitted out on a scale, or in a manner, suited to the remarkable capabilities of the coast which it is intended to occupy.

Never was a new country opened to the enterprize of civilised man which invited colonization so much as New South Wales. Coal and iron, those two great sinews of industry, have been found in abundance near the Blue Mountains, at Port Macquarie, and at the Swan River; it is by the resources of the mineral kingdom, providentially disposed so as to await the gradual progress of man's researches beneath the surface of the earth, that he can command, transplant, and turn to his use all the other productions of nature. The fertile soil of most parts of the country seems but to await the germs of plants before unknown upon its coasts; its plains lie open in wide pastures for the herds of the settlers to enter into peaceable possession; and the European who arrives, as in some well-stored Ark of promise from the other side of the globe, brings with him the seeds and the creatures which are to adorn and animate a New World. The amazing scarcity of those animal and vegetable productions which support human life in the savage state, had repressed the increase of population among the natives, and had forced them to seek a precarious and nauseous subsistence on the coast. The Austral negroes never enjoyed vast hunting grounds, well stocked with game, like those which once belonged to the North American Indians; and the introduction of European grain and cattle will probably confer a great blessing upon them; if indeed it be possible to solve the problem in which humanity has so deep an interest, and to spread the civilization of the European race without extirpating the native tribes. The colonies which are now rising upon those shores are not mere settlements of mercantile adventure, where the object is not to live, but to prepare for returning to the mother-country in opulence: they are colonies of residence, they are the foundations of a state, and even in their present condition it is impossible not to dwell with more interest on the circumstances that may influence their future destinies, than on the questions which merely regard their present relations with ourselves.

But, it may be asked, is the same fatal experiment, to which England owes so small a gain and the colony so great an evil, to be repeated on every point from the fortieth to the

tenth degree of southern latitude which may be selected for these settlements? and is this vast and fertile country to be taken possession of in the name and as the inheritance of crime? We are informed that the present governor, Sir Richard Bourke, has expressed his own personal opinion to the Government against the system of transportation altogether. Petitions have been signed by most of the respectable free colonists, praying that convicts may not be sent out as they now are—and this we take to be a sure sign both of the prosperity and the moral improvement of the colony. During the last two years the most respectable organs of the colonial press (for we should be sorry to have our readers suppose that all the Australian press is in the slippery hands of convict editors) have strenuously demanded the total discontinuance of the importation of convicts. Dr. Lang himself denounces “the intolerable expense and the moral abominations of that preposterous system.” But before we proceed to consider the demerits of punishment by transportation in general, it is fair to pass in review the suggestions for its amelioration, which our author conceives to be sufficient to render the removal of our convicts to New South Wales not only tolerable, but desirable.

Dr. Lang asserts in the first place, that

“The annual introduction and progressive settlement of large bodies of free emigrants, (at the rate of three thousand families and upwards every year,) for whose intellectual and spiritual welfare provision is prospectively made by the colonial legislature, will doubtless eventually change the whole aspect and character of the colony of New South Wales; gradually undoing the past evil effects of the transportation system, and rendering transportation powerfully efficient for the future, both for the prevention of crime and for the reformation of criminals.”—Page 75.

He proposes that large drafts should be made from the Highlands and Islands of Scotland, where a population of 160,000 souls, remarkable for its hardy virtues and high religious principle, (and, by the way, for its attachment to the Church of which the reverend author is the senior minister,) is at this moment suffering all the miseries of excessive destitution. On their arrival in New South Wales the emigrants would be employed for the most part as farm-servants, &c. Their rate of wages would enable them, if at all industrious and frugal, eventually to become proprietors of sheep and

cattle, houses and land*. Whatever be the fate of the transportation system it is quite clear that emigration cannot be too strenuously promoted, as it appears that the demand for free labour far exceeds the supply which the Colonial Government can afford. This emigration would be carried on entirely at the expense of the colony, and might employ at least thirty first-class British merchantmen.

With regard to the system to be pursued toward the convicts themselves by the English courts of law, Dr. Lang suggests that the sentence of transportation should be carried into effect only upon criminals sentenced for fourteen years or for life. Before the publication of the work before us, we believe that the Government had acknowledged the utter inefficacy and manifold evils of transportation for a short term, and it is understood that the minimum of that punishment is henceforward to be raised to ten or twelve years. We mention this, not as anything like a sufficient palliative to such evils, even in Dr. Lang's opinion, but as a tacit admission on the part of the English executive that material changes must be made. The following extract, from the Tables of Criminals in England and Wales for 1836, will show to what an excess transportation for short terms has been applied.

Total number of persons tried in England and Wales			
in 1836	.	.	20,984
Acquitted	.	.	6182
Death 494	<div> <div>Executed 17</div> <div> <div>Commutated to trans-</div> <div>portation</div> </div> </div> <div> <div>for life</div> <div>for 14 years.</div> <div>for less</div> </div>		425
Transportation for life	.	.	770

* The following Table may serve to show the comparative rate of living in the British colonies of Canada and New South Wales.

	CANADA.	NEW SOUTH WALES.
Beef	2½d. to 5d. per lb.	1½d. to 3d. per lb.
Mutton . . .	3d. to 7d. Do.	1½d. to 3d. Do.
Turkeys . .	2s. 3d. to 10s.	3s. to 5s.
Butter . . .	6d. to 1s. per lb.	1s. to 1s. 3d.
Wheat . . .	3s. 9d. to 6s. 9d. a bushel.	3s. 4d. to 4s.
Bread . . .	6d. to 10d. the 4lb. loaf.	5d.

Transportation for 14 years	585
Transportation for 7 years	2249
Transportation for other periods	7

Total number sentenced to transportation . . . 4036

But if a large portion of the criminals guilty of such crimes as are now punished by transportation for seven years are imprisoned in penitentiaries in England, it may be apprehended that criminals will commit the greater crimes which are punished by transportation, rather than the lesser crimes which would expose them to a term of penitentiary imprisonment. Dr. Lang suggests that the punishment of transportation should, as far as is possible, be applied for life. If he means that criminals now sentenced for seven years should henceforward be sentenced for life, he destroys all adjustment between the extent of the offence and the extent of the punishment, and he takes away the motive a man may have for preferring a smaller offence to a greater one. If he means that transportation should be applied exclusively to those persons who are now condemned by our courts to a punishment for life, he does away with it in the immense majority of cases, and he inflicts it only on those from whom society has nothing more to fear, since the term of their punishment is only to expire with life itself. The advantage of sending such convicts to penal colonies can only be an economical one, which is more than counterbalanced by several moral disadvantages, and by the necessary consequence of rendering the punishment inflicted for great crimes less formidable than that which is inflicted for smaller offences.

Upon their arrival in the colony our author proposes that the convicts should in no case be assigned to free settlers as their servants; that they should be exclusively employed on public works in the service of the Colonial Government and in preparing the way for the formation of new settlements to the northward, being subjected to one uniform rule of discipline, and removed from the temptations and facilities of offence which exist in the more advanced towns of the colony. These measures would suffice in Dr. Lang's opinion "to render transportation powerfully efficient for the prevention of crime and for the reformation of criminals." "The eman-

"cipated convict would know his place in society and would keep it, and would not require to be repressed."

Such are the conclusions of a man whose opinions are certainly not unworthy of attention, although they are evidently influenced by a sense of the *profits* of convict labour, and by a curious mixture of the prejudices of a Scotch priest and an Australian planter. They deserve the more notice because it is greatly to be feared that these or similar views will so far accord with the disinclination of the English Government to effect a much more radical change, as to lead to the trial of a fresh experiment, not perhaps quite so disastrous, but not more effectual than the course hitherto pursued. But unfortunately, as the Archbishop of Dublin remarked of the pamphlets by Colonel Arthur, Bishop Broughton and Dr. Ross, they rest almost entirely on conjectures respecting the *future*, and upon a substitution of sanguine expectations for actual existences. This brings us to the consideration of the second part of our subject, relating to the evils of transportation in itself as a means of secondary punishment.

The limits of this journal do not allow us to urge one quarter of the numberless arguments which condemn the system of transportation; and whilst we point out a few of the most striking evils of the present state of things, we would entreat our readers to follow the able demonstrations which have been made to the public by many wise and good men in a long course of years. It is surprising that such arguments should have been so little attended to; it is still more surprising that such facts as have been put forward even by the panegyrists of transportation should not have sufficed to convince every one of its mischievous effects. But it unfortunately happens that Australia possesses all these conditions, without which no penal colony would be tolerated for a single year: it is at the antipodes of the mother-country; it is salubrious and fruitful, but almost uninhabited; it has all the advantages of a great continent in supplying lands for settlement, and all those of an island in preventing the escape of the convicts to other countries; and, lastly, the high seas which must be crossed in order to reach it are always open to the fleets of England. Yet with all these conditions in its

favour—conditions which no other spot can possess to so high a degree—the experiment has signally failed; and the six or seven millions of money which the penal settlements have cost us, have been spent in a manner alike useless to England (as far as secondary punishment is concerned,) and disastrous to Australia.

On the 5th of June 1810 Sir Samuel Romilly adverted to the subject in the House of Commons on making his motion respecting penitentiary houses; and as his arguments have unfortunately lost none of their force in the course of these seven-and-twenty years, we shall quote some of his expressions. The evil was great then, it is enormous now; it was then known to a few inquiring men, it has now been exposed to the whole world; since that time indeed we have had Select Committees, and we have learned the dimensions of every penitentiary in the United States, and we have talked of reform in every branch of Church and State—but this great and certain evil has gone on unchecked even by its detestable consequences.

“ With respect to the punishment of transportation to New South Wales, I have so lately troubled the House that I should be inexcusable in trespassing long upon their patience now. In whatever light we consider it, as calculated to prevent crimes, whether by the terror which the example should inspire or by the reformation of the individual punished, we shall find it extremely inefficacious. As an example, the effect of the punishment is removed to a distance from those on whom it is to operate. It is involved in the greatest uncertainty, and is considered very differently according to the sanguine or desponding disposition of those who reflect on it, or according to the more accurate or erroneous accounts which may happen to have reached them. The severity, indeed, or the lenity of the punishment, depends not on the degree of guilt of the offender, but of his talents, and acquirements and qualifications for the new state of things into which he is transported. Possessed of that knowledge and skill which happens there to be most in request, it matters little what has been his offence, he may chance soon to find himself relieved from all restraint and in a situation which he never could have hoped to gain in his own country.

“ It is indeed a subject of very melancholy, and to this House of very reproachful reflection, that such an experiment in criminal jurisprudence and colonial policy as that of transportation to New South Wales should have been tried, and we should have suffered now four-and-twenty years to elapse without examining or even inquiring into its success or failure. If such a project ever could have been successful, at least the persons transported should have been only those who were sentenced to that punishment for life, and not men who, being sentenced for a few years only, would soon

have a right by law to quit the colony. Left to get back to their native country as they can, their only resource is to work their passage home as sailors; but this is a resource only for the strong and healthy. If in England any jailer were to presume to retain a single individual in prison, though but for a few weeks after the term of his imprisonment had expired, what indignation would not be felt at such a flagrant abuse of authority?—but the continuance of such injustice during all the lives of thousands who are made the victims of it, passes almost unnoticed when the scene is removed to so great a distance from us.”—*Speech of Sir S. Remilly, 8th June, 1810.*

Mr. Abercromby, the present Speaker of the House of Commons, added in the same debate :

“ If the object of my honourable friend’s motion had been to abolish altogether the punishment of transportation to Botany Bay, I should have hesitated before I gave my vote in support of such a measure. But when we recollect the sufferings to which criminals are, perhaps unavoidably, exposed in the hulks, with the inconvenience of a long voyage; when we recollect that the comforts and enjoyments of a criminal on his arrival in Botany Bay are regulated, not by the nature of the offences of which he has been guilty, but by the trade which he has followed when in England; and when we remember the difficulty of returning after the expiration of the period of banishment, the House must perceive how desirable it is that the number of persons transported should at least be limited, and some other punishment substituted which is not liable to such irresistible objections. The effects of transportation, both at the commencement and at the conclusion of the period allotted for the punishment of offenders, are particularly deserving of consideration.”

It is very much the fashion amongst people, and even magistrates, who have never taken the trouble to examine into facts, to assert that transportation is now a very different thing from what it used to be, and that no punishment can be severer. But if the details given us by Dr. Lang have shown that it is not much improved in its operation, the principle has manifestly remained the same, and the evil consequences have increased in the same ratio as the prosperity of the colony and the number of convicts exported. We shall proceed to examine its effects at the commencement and at the conclusion of the term allotted for the punishment; for these are the true criteria by which all secondary punishments are to be judged. Unless there be a total change of habits, accompanied by restraint and remorse at the beginning—unless there be a dread of relapse, and a firm resolution to work and to improve, accompanied by some facility of doing so, at the end of the term,—

the punishment has failed to accomplish its purpose of chastisement and reformation.

The first disadvantage of a complex punishment like that of transportation is, that it has no distinct beginning or limits. The convict passes through a variety of preparatory stages, from the jail to the hulks, from the hulks to the transport, from the transport to the actual place of punishment, where a thousand fresh chances await him. He is snatched away with all his vicious habits thick upon him, in the company of his profligate associates: instead of passing a season of privation, solitude or repentance, he is thrown into a state of rude excitement, and his punishment begins in the not unwelcome shape of an adventure. In fact transportation is of so uncertain a character that it conveys no distinct apprehension to the convict about to endure it; the Judge who inflicts it does not know what he is doing, and society derives no real security from it: it professes to be a punishment, but so much benefit is (perhaps erroneously) anticipated from it by some men that they seek it as a kind of preferment: it professes to inflict a temporary exile, but in the immense majority of cases it amounts to perpetual expatriation: it professes to remove the delinquent into a situation where he shall have fewer temptations to do harm and more incentives to good conduct; but it plunges him into a community of felons, where he finds abundant opportunities to get drunk, to rob his master, to murder the natives, and to indulge in every kind of debauchery. "I sentence you," says the Judge, "but to what I know not—perhaps to storm and shipwrecks—perhaps to infectious disorders—perhaps to famine—perhaps to be massacred by savages—perhaps to be devoured by wild beasts. Away, take your chance, perish or prosper, suffer or enjoy; I rid myself of the sight of you, the ship that bears you away saves me from witnessing your sufferings, I shall give myself no more trouble about you." (Bentham's *Rationale of Punishment*, p. 348.)

The following letter from a convict, who was transported last year, offers so striking an illustration of these casualties, that we make no apology for transcribing a part of it.

"On board the *Justitia* Hulk, Woolwich, 5th May, 1835.

"... I was convicted, at Lewes, in Sussex, in December 1833, before

Mr. Justice —, on a charge of stealing from a dwelling-house, and sentenced in the ultimate to transportation, death having being recorded at the assizes. I was sent to the Leviathan hulk at Portsmouth, from which I was sent to the Norfolk, convict ship, bound to Van Dieman's Land. Having been at sea two nights, after sailing, the ship lost her rudder, and we returned, and were put back on the Leviathan hulk again. After which we put to sea again, the Norfolk having been repaired, but after being at sea for some time the like accident occurred in a most horrible shape. We then put into Falmouth to repair, and after a long delay we again put to sea, in which I suffered illness as much as it ever fell to one man to bear: during this illness, whilst the ship was in the Bay of Biscay, the ship sprang a leak in the midst of the night, and in the morning there was several feet of water in the hold, and after being buffeted about at the mercy of the waves we got into Cork harbour, where I believe the ship was condemned as unfit for sea, and another sent of the name of 'Lady Kennedy.' In the interim I was seized with a violent fever, of which a fellow-prisoner had died a few days before; but Providence spared my life, and after being for some time ill I recovered, time enough to go on board the Lady Kennedy. Soon after our going on board of that ship the cholera broke out on a Sunday during prayers. Only think what my thoughts must be, being, as it was, three times saved from a watery grave, and once spared from a sick bed, where my fellow-prisoners were dying around me of the same complaint, and now that most dreadful of all diseases staring me in the face! My frame being weak from former illness, and being in the midst of it, I was not long before it became my turn, and I had the malady in a most shocking manner: but Providence again stepped forward in my behalf, I hope for the purpose of leading a new life and repenting of my former sins. Eighteen died in a very short time, some on board and some on shore. After the cholera had ceased, myself and seventeen other unfortunate companions were left in Cork harbour, mere skeletons, at a place called Harboling (Haulbowline). After being there some time we were put on board a hulk called the Surprise, where, if possible, we were obliged to suffer more in mind than we had before in body; for, added to filth, hunger and all manner of wretchedness, through our being Protestants, we were subject to great misery, most on board being Irish and Papists. They were used to cut our hammocks down at night, sticking awls through the bottoms of the hammocks into our bodies, and would have thought nothing of murdering us but for fear of the law. Through this treatment I was again taken ill, and continued so for three months; we were put into a small place called a chapel, between decks, and the captain allowed us to take air one hour at night. The above-mentioned villains endeavoured to set the ship on fire, and through our exertions to put it out we subjected ourselves to all manner of persecutions from them, so that the captain thought it unsafe to keep us any longer, and sent us over here."

We have the original letter in our possession; and as it is marked on the outside by the superintendent of the hulks, we presume that these facts are admitted to be correct.

The law takes the convict from the jail, or worse than a jail, in the condition of a reprobate, and plants him in his new home in that of a slave. No time is given for reflection, no cordial is offered to revive the faint and forgotten conscience; the moral being is stifled, and another chance of winning back the guilty from his ways is lost for ever. Our readers may remember the description we gave of the departure of that ferocious crew of *Forçats* which is annually transported from Paris to Toulon*: but our British *Forçats* are sent out by thousands, not by hundreds; for many months the hapless band is penned within their floating prison without a possibility of escape from this horrid fellowship, and their *Bagne* is a continent as large as the whole of Europe. But already, before they have reached their destination, the example of their punishment is lost upon the community which they have left behind. "The mass of the people," says an ingenious author quoted by Mr. Bentham, "make no distinction between an interval of a thousand years and of a thousand miles."

We now suppose that the convict, arrived at his destination, begins to undergo the hardships attending his punishment by servitude; whether he be kept to the public works, or assigned to a free settler, these hardships may doubtless be great, but they lose half the terror they ought to inspire by the circumstance of their being uncertain. And here Dr. Lang, in common with the other advocates of transportation, betrays his entire misconception of every principle of reformatory discipline; he boasts that hard labour at a penal settlement on the coast of New Holland must be at least as *formidable*, since it is far more severe, than hard labour in a Penitentiary in England. But it is not the object of any rational system of punishment to render labour itself formidable; the main hope of reformation consists in giving a taste for honest labour, and, after all, the tasks most laborious in themselves are daily performed for a very small stipend by free labourers, without being thought formidable at all. Nobody regards the making of the tunnel under the Thames or through Primrose Hill as a formidable punishment, since men very willingly undergo it, and brave the dangers attending it, for a few shillings a

* British and Foreign Review, vol. ii. p. 139.

week. It is then solely the *manner* in which men are made to work which constitutes the punishment; the work itself is merely an accessory though indispensable part of the system, intended to give the convicts habits of industry and harmless occupation, and to defray the expense of their maintenance. In New South Wales the labour itself is of the most formidable kind, and frequently made more severe by irons and the lash: but the other conditions of transportation are not formidable; in any tolerable penitentiary, the silence, the entire loss of liberty, and the discipline of the establishment are the formidable parts, and the work done by the prisoners is the greatest alleviation to the privations they undergo*. The real punishment of what is called hard labour (when hard labour is a punishment) consists in the monotony of the task, in the absence of reward, in the strict discipline of silence or solitude, and in the removal of all chances of adventure. But these conditions are totally wanting in penal colonies. Therefore though the labour of convicts in New South Wales were ten times more severe than it is, it would fail to intimidate. The very same thing has happened with the same results in the Bagnes of France, though the discipline there is more regular than it can be in New South Wales: we have great pleasure in quoting the opinion of M. Lucas on this subject, from his last excellent work.

“ Pour rendre le travail répressif, c’est à dire pour lui imprimer le caractère de l’intimidation, on a spéculé jusque sur sa nature. On a recherché d’abord parmi les travaux ceux qui pouvaient être les plus dégradans, les plus rebutans, tels que les travaux de fatigue dans les arsenaux, le curage des ports, le nettoyage des égouts et des rues, etc. etc. ; et pour corroborer le système on a cherché toutes les circonstances de publicité, toutes les marques d’avilissement et même d’infamie, qui pouvaient attacher un caractère de plus de dégradation à l’exercice de ces travaux. Ce n’est pas

* “ Intimidation then,” says M. Marquet Vasselot, in the work we reviewed some time ago, “ is also considered as another object of hard labour. I do not think that in this respect it acts very efficaciously on the morality of convicts; and yet it is this persuasion, so prevalent in England, which has led to the invention and the use of the boasted treadmill. Transportation is at once for England the antipodes of her territory, and the antipodes of her penitential philosophy.”—*Examen des Théories Pénitentiaires*, vol. ii. p. 230. The importance of teaching the prisoner a trade, by which he may live on leaving the prison, is another of the great ends of prison-labour. The treadmill evidently fails to accomplish any one of these conditions; it is very unproductive, it is degrading and disgusting to the prisoner, it teaches him nothing: the only argument in its favour rests on the fallacious principle of making labour formidable.

ainsi que nous concevons le principe d'intimidation, et le sens qu'il doit avoir dans le travail répressif; car ce n'est pas seulement l'homme et sa dignité, c'est le travail humain, cette noble faculté de sa nature, que nous ne voulons avilir ni aux yeux du détenu, ni à ceux de la société elle-même." — *Théorie de l'Emprisonnement*, vol. i. p. 233.

The advocates of the transportation system tell us, first, that labour in New South Wales is to be of the most formidable kind, and we hear of nothing but blasting rocks, trenching roads, and performing public works, "which cannot be accomplished for want of labour." (P. 33.) This is for the punishment: but when we come to the moral improvement of the colony and the supposed reformation of convicts, "we are not to be told that the New South Wales settlers cannot dispense with convict labour." (P. 128.) And we are assured that the convict who has passed at least six or eight years in these herculean toils (which Dr. Lang calls an apprenticeship) would at length become a useful free servant, a tenant, or a proprietor of land, and thus be brought within the direct and salutary influence of correct moral example and sound religious instruction. Whether this tardy change is to be wrought by the affecting piety of road-gangs, which gladdens the soul of Archdeacon Broughton, or by the enchanting scenery which enlivens the fancy of Dr. Ross, we do not know: but experience and common sense go a great way in showing that it never has been, or can be, effected by a system essentially opposed to all discipline but that of the lash, to all proper classification, since it falls with threefold weight on the ignorant and the weak, reserving the greatest prizes for the strongest and most adroit convicts, a system contrary to all notions of society and of social duties, to all that renders labour acceptable and improving, to all that cheers and purifies the heart of man.

It is utterly contrary to our inclination, and we hope that it is unnecessary for our purpose, to stain these pages with hideous details of the disciplinary system which has been enforced in order to render transportation formidable. They may be found at considerable length in the correspondence, dated the 14th of August 1834, between the Secretary of State for the Colonies and the Governor of the Australian provinces. From this curious document M. de Beaumont, in the able Introduction recently added to the second edition of the book

entitled "Système Pénitentiaire, aux Etats Unis," has drawn a few facts amply demonstrating the inefficacy of a system which can only be supported by such horrible practices. We find police superintendents reporting on "the extent of that acute pain and smarting *so desirable should be experienced under the lash;*" we only hope that their notions of what it is desirable to inflict and to experience are not always quite as confused as in this sentence, and that they respect the laws of justice a little better than they do those of humanity and grammar. We are favoured with a detailed statement of some 247 floggings summarily inflicted, at the discretion of justices of the peace, for very slight offences, or "other disorderly or dishonest conduct," during the month of September 1833. M. de Beaumont has found that 9934 lashes were applied in the Australian colonies in that one month, which gives a total of 119,208 lashes per annum, without reckoning the disciplinary punishments of the worst class of convicts in Norfolk Island. Thus public order is to be insured, and a wholesome discipline maintained, at the cost of about 120,000 lashes and 50 executions per annum, on a population of 40,000 convicts!

The following recapitulation of the crimes and commitments in Van Dieman's Land is taken from a Government Return, dated 29th October 1836 :

Year.	Committed.	Convicted.	To be hanged.	Executed.
1833.	498	362	29	12
1834.	642	464	18	15
1835.	373	257	22	12

The great diminution of crime in 1835 is attributed to the increased efficiency of the police. In 1830 the population of Van Dieman's Land amounted to 23,169, of whom 10,000 were convicts.

Such are the results, in the colonies, of a system of severity which has been vainly adopted, in the hope of overcoming the deficiencies of transportation, as a means of secondary punishments for the criminals of the mother-country,—a system, to use the words of M. de Beaumont, which outrages nature,

without being useful to society. How long are we to exhibit the strange inconsistency of a community which shudders at the sound of the lash when it is within hearing, and which may boast of having abolished the punishment of death for crimes against property, in the course of the present legislative Session; whilst we continue to maintain a system of secondary punishments which leads inevitably to an immoderate use of the scourge and the gibbet? How long are we to persevere in this so-called *improvement* of penal discipline in Australia, by means more worthy of the pitiless brutality of a Russian satrap than the just policy of an English governor? Whilst we are reforming our jails, whilst we are effacing the sanguinary enactments of our codes, with what show of reason can the same Government continue to issue instructions through the colonial office to Sir R. Bourke, for the aggravation of a system which already outdoes in its vicious tendencies the worst cell in Newgate, and equals the old criminal law of England in ferocity? These are contradictions too disgraceful to be defended, and too pregnant with evil consequences to Australia, to England, and to mankind, for them to be maintained.

The reasons in favour of transportation which may be supposed to have weight with people in this country are, we think, reducible to two: the belief that much expense is thereby saved, and the notion of getting rid of a considerable mass of our refuse population. With regard to the argument of expense we shall not enter upon it at length here; almost all systems are dear or cheap in proportion as they are ill or well managed. Convicts sent to New Holland do not now cost the state 37*l.* a head per annum, as they did twenty-five years ago; and it is a ridiculous assumption on the part of Dr. Lang to suppose, that each prisoner detained in a penitentiary must cost from 80*l.* to 57*l.* Considering all the expenses of the transport, the colonial police, the loss of time on the voyage, &c., it is highly probable that convicts might be maintained upon a good penitentiary system at a far cheaper rate in England than in the colonies. But whichever way the difference may lie, the only really economical plan is that which succeeds; and a system which engenders a vast criminal population in another hemisphere, without checking the increase

of crime here, must be the dearest, as well as the worst, which could possibly be devised.

The notion of ridding this country of a mass of bad characters is so generally entertained, that it deserves a more close attention. In the first place, if the convicts are not reformed, and are as likely to follow bad courses after the expiration of their term of punishment in the colonies as in the mother-country, no more real good has been effected than might arise from sending a detachment of London thieves to Edinburgh. Yet we have heard humane and thinking men propose to convict boys summarily for a first offence, give them a whipping, and ship them off to Port Jackson; as if there were some secret virtue in this retributive flagellation, not only to counteract the effects of ignorance, early habit and bad education, but to act as a preservative against all the horrors of the jail, the hulks and the transport, and to make virtuous men of these young delinquents before they reached the 30° of southern latitude. There was a time indeed when Colonel Frankland said in the House of Commons, that "if a young lad was sent to New South Wales for picking pockets, he might be reformed of that crime by living in a country where there were no pockets to pick." But whatever might be the absence of those appendages in New South Wales in 1810, it is now an undoubted fact that pockets are worn there, and pockets so well lined as not to be wholly without an attraction to the unfortunate exiles from the classic ground of the Regent's Quadrant or the Burlington Arcade. If we do get rid of convicts by means of transportation, it is not by the law, but by the unjust difficulties attending the complete execution of the law; you sentence a man to seven or fourteen years' exile, but you have well-grounded hopes that he will never return; if he did, your chief object would be defeated. If he is married, you offer a direct inducement to the crime of bigamy, both to himself and to his wife who is left behind: to her indeed this offence would be attended with the less inconvenience, as the punishment for her second marriage in this country, might simply reunite her to her first husband in another. If he has children, they too will follow their parent; but not until they have deserved such favour at your hands, by displaying, in a career of juvenile profligacy and precocious guilt, their undoubted claim to the family honours.

We have already seen from sufficient evidence that this getting rid of criminals consists in driving them to the Antipodes, where all their vices pullulate with fresh vigour. We deny that this is solely the effect of the present bad system; and we hold it to be irrefragably demonstrated that no punishment, administered as transportation to penal colonies must be, can ever lead to that reformation which is the only real means of getting rid of criminals besides capital punishment.

But this subject may be placed in another point of view, to which we beg to call the reader's attention. It cannot be denied that a plan of operations which removes the offender from the scene of his former guilt, which proposes to him rewards for honest labour not enjoyed by the lower classes of a very dense population, and which opens to him a new and inviting sphere of exertion, is eminently adapted to encourage him to persevere in good conduct, if his mind has been carefully cleansed and sifted, if his bad habits have been broken by strict discipline, and if the seeds of improvement are sown. This is not transportation—for in the whole course of that abominable punishment, from Newgate to the road-gang by Paramatta, not a single rational effort is made to reclaim the criminal; and you talk of the results of a moral reformation, without having implanted any one of the tendencies which can lead to it. But let us suppose that some minister, as bold as he must be humane and enlightened, should resolve to act upon the evidence which has been collected; to establish a sufficient number of experimental penitentiaries, and to abolish transportation altogether. Does nothing remain to be done? Or is there a use to be made of our capacious possessions beyond the seas, which may violate no laws of justice, policy and reason?

It is an undoubted fact, that the moment of the expiration of his punishment is the most important juncture in the career of a delinquent. He has expiated his offence, the disabling efficacy of confinement is over, and he is a free agent once more. The lessons he may have learnt from experience are then to be put in practice; the good resolutions of the silent cell are then exposed to the fiery ordeal of the world; and the first steps which the emancipated prisoner makes from the door of the penitentiary will probably decide his future fate.

But unhappily the path which is strait and thorny to all, is rendered a thousand times more difficult to him. Whatever may be his intentions, the world will give him small credit for them; whatever are his aspirations for a better future, he is still fettered to the infamy of his past life. Hence the immediate relapses of those who seemed to promise well; hence (though with many aggravating causes) the excesses of the emancipists in New South Wales. "Rendre l'homme infâme, et le laisser libre," says Diderot, "est une absurdité qui peuple nos forêts d'assassins,"—or what is a worse, because a more spreading evil, it peoples our cities with veteran delinquents, and furnishes a constant supply of professors in the arts of crime. To quote the words of M. Léon Faucher in his very philosophical and discriminating letters on Prison Reform (published in the early numbers of the *Journal Général des Tribunaux*),

"Qu'est ce encore que la prison, si non la transition d'une vie corrompue à des habitudes meilleures, un temps d'épreuve, le purgatoire de la loi? Si les détenus purifiés par le châtement pouvaient ensuite rentrer dans le monde; si le repentir tenait lieu d'innocence dans les mœurs civiles aussi bien que dans la communion religieuse, on aurait assez fait en les amendant. Mais puisque tout condamné est un banni à qui le préjugé social interdit véritablement le feu et l'eau, il faut bien lui ouvrir un asyle, hors de la société, si l'on ne veut pas l'exposer aux tentations de la faim et aux suggestions du désespoir. Des colonies pour les libérés, soit à l'intérieur, soit à l'extérieur, sont le complément nécessaire des prisons réformées; il n'y a d'établissement pénitentiaire qu'à ce prix."

Mr. Crawford observes, in speaking of the condition of criminals in the United States, that

"An American has a great advantage over an English convict on his liberation; for the facilities of travelling enable the discharged convict to effect a favourable settlement without much danger of his previous habits being known. No man need commit crime in the United States from the want of employment."—*Crawford's Report*, p. 25.

"The best system of prison discipline must necessarily be ineffectual if the offender on his liberation be unable to procure employment by which to earn a creditable livelihood. So greatly, however, does the supply of labour exceed the demand throughout England, that it is vain to look for the means of procuring employment in this country for the individual who is tainted by crime and therefore shunned by society. In the colonies alone can the remedy be found. If the emigration of liberated criminals to a penal colony were encouraged, an opportunity would be afforded to the best disposed to change their habits and commence a new life. That

there is a large class whose depravity would induce them to reject such a proposal cannot be questioned, and it might form a subject of consideration, whether a criminal who had on his discharge from prison refused an offer of emigration, should not on reconviction be subjected to an increased punishment. There are, however, others who would gladly avail themselves of any opportunity by which they could escape from bad connexions, and avoid the numerous temptations which inevitably beset them in this country. Emigration to Australia would be the means of enabling them to maintain themselves by industry, and become, *what they can never hope to be* by remaining at home, honest and useful members of society. A measure of this nature should, however, be combined with another, by which the emigrant should be compelled, on his arrival in the colony, to pay the whole or part of the expenses incurred by his removal. Some plan of this kind would be indispensable, in order to prevent persons who are anxious to emigrate, but who have not the means of doing so, from committing minor offences in order to avail themselves of the opportunity of being sent out to Australia free of expense."—*Crawford's Report*, p. 41.

If then a remedy can be found for this evil, which is the chief obstacle to all lasting reform; if such a remedy can be applied without prejudice to more deserving members of the community; and if even reformed criminals *can never hope to be* honest and useful members of society without it,—that remedy must necessarily form a part of the penitentiary system, which would otherwise lose a great chance of its efficacy. We are therefore inclined to go one step further than Mr. Crawford suggests, and to terminate our course of penal discipline by conveying the prisoner to the colonies, leaving a power of remitting this expatriation to the discretion of the Secretary of State.

It is true that although we may take a horse to the water we cannot make him drink; but it is not the less our duty to take him to the water, and even in cases in which the experiment should fail, the evil would not be greater than a relapse in the old country, nor so great as the continuance of the present system, which renders the chances of ultimate reform infinitely less. The conditions of the liberated criminal's emigration might be so modified as to afford a greater degree of just variability to the punishment, and the period of his entire emancipation might be regulated by his conduct in the prison.

The convict would then be removed with a store of good habits, and some moral instructions, acquired during his con-

finement: the transport-ship would, as far as possible, be regulated like the penitentiaries, and on his arrival he would be placed, not in a debasing servitude, but in a probationary condition. If he relapsed, as many would, he would be summarily punished by a severer system of discipline, adapted for those colonies: if he continued to amend, a few years would emancipate him entirely and allow him to acquire property. Nor do we attach much importance to the objection that offences would be committed by persons in order to qualify themselves for this kind of emigration. A mere claim on the future, and more abundant earnings of the liberated criminal, would not prevent it; but the facilities given to emigrants in general ought to be so great as not to afford this sinister inducement. Regarding a criminal as a moral patient, and a penitentiary as a moral hospital, it is not enough to cure him of his disease, if he be not restored to health by a regimen of convalescence. To suppose that men would seek by crime to undergo a severe punishment in order to arrive at a subsequent improvement of their condition, is to suppose that persons would voluntarily contract diseases, and subject themselves to a searching and painful medical treatment, in order to receive the wine or succulent food necessary to restore health after the disease is subdued. It surely cannot be impossible to render the *proximate* pain of imprisonment so severe, as to keep out all aspirants to the *remote* benefit of gratuitous removal to another country. We hear of "candidates for transportation" now, because the probable benefit (as they consider a voyage to New South Wales) is as certain, and nearly as immediate, as the evil of servitude; the two things are confounded in their minds; but in the plan we propose they would be perfectly distinct, and not connected by a relation of cause and effect.

The Committee of the House of Commons on Secondary Punishments which sat in 1832, seems to have arrived at a somewhat similar result (though upon a different principle), when they recommended in their Report that "the more exclusively penal part of the sentence of criminals condemned to transportation should be inflicted *before* they are sent to New South Wales." The Archbishop of Dublin scorns this addition of an efficacious to an inefficacious sentence, which he compares with his usual humour to a soup of pebbles, made

by boiling them a sufficient length of time *along with* sundry other ingredients, among which was a neck of mutton. But at the risk of differing from His Grace, we profess a very sincere conviction, that unless a general plan of emigration be added to the penitentiary system which may be introduced into this country, no adequate result will be obtained. Imprisonment may be an excellent ingredient,—far better than the pebbles; but emigration is the neck of mutton to be seethed for the health of the patient. Of course neither the penal settlements of Port Jackson, nor the free settlements which we hope to see multiplied in New South Wales, would be at all suited for the experiment proposed. But a sort of Liberia might be prepared for the liberated criminals of England; and the interval, which must elapse before such a plan can be carried into execution, might be usefully employed in breaking the ground for the new colony*, and erecting a penitentiary in the country by the present wretched gangs of convicts.

Before we take leave of Dr. Lang and this important subject, we cannot refrain from alluding to his total omission of two classes of convicts, to whom the punishment of transportation is applied with more than its ordinary share of bad consequences; we allude to females and juvenile delinquents. With regard to the free emigration of unmarried females, Dr. Lang inveighs against their introduction into the penal settlements, and says that “one bad woman let loose upon society does infinitely more harm than half a dozen bad men.” But he says nothing at all about female convicts. Now it is quite evident that the ameliorations he proposes, consisting of concentration and excessively hard labour in remote settlements or on public works, are wholly inapplicable to females. As long as they are sent out the assignment system must be pursued for them, as female labour is essentially domestic, and domestic help is peculiarly wanted in the colony.

* The plan of an agricultural colony for liberated convicts may be compared in several respects to the home colonies which have been founded, with great success, by the Dutch Government for the reception of mendicants, vagabonds and foundlings. Just before the Belgian Revolution of 1830 these establishments contained 9000 persons, who would otherwise have been a charge upon the State from their birth, their guilt, or their poverty. See the account of them by M. Huerne de Porameuse; and the *Système Pénitentiaire* of MM. de Beaumont and de Tocqueville, Appendix No. IV.

Under the present state of things the female convicts who are not assigned to the service of free settlers, or who conduct themselves too ill to be retained in the service of a respectable family, are sent to an establishment at Paramatta called the Factory. Mr. Mudie states, in his book entitled "*The Felonry of New South Wales*," that this Factory is little more than a repository of marriageable women, who pass their time "*in sufficient merriment*," till some of the convict swains choose them for their helpmates. "So agreeable a retreat is the Factory that it is quite a common thing for female assigned servants to *demand* of their masters and mistresses to send them there, and flatly and with fearful oaths to disobey orders, for the purpose of securing the accomplishment of their wish." (Mudie, p. 195.)

What are we to think of a settlement in which the male population is already so vicious, that the only females who can be sent out are persons of such bad character as to make the men worse,—a settlement in which the actual disproportion of the sexes is admitted to be a fertile source of immorality, but where you cannot remedy this disproportion without adding to the mass of corruption,—where you are certain that the female convicts sent out for punishment will not only not be punished or reformed, but will actually diminish the slender chances of reclaiming the convicts of the other sex,—and where, if you cease to transport females altogether, you render your colony more monstrous and unnatural than it is already—a cloister of vice! Add to this that it is customary to transport mothers with their children, and women *enccintes*; thereby punishing the innocent and the unborn for the sins of their parents, and "*foredooming female infancy to foulness and destruction*.*" Lastly the female convict has no chance whatever of working her passage home to the mother-country at the expiration of her term of punishment. These arguments, even if unsupported by stronger ones, militate against the whole system of transportation; for we suppose it to be admitted that it is wrong and imprudent to send out free unmarried females to penal settlements, and it is no real punish-

* See the account of the loss of the *Amphitrite* female convict ship (Aug. 31, 1833,) which appeared in the Times, and has fortunately been preserved in the Appendix to the Archbishop of Dublin's Second Letter on Transportation.

ment to send out female convicts. But without either female emigrants or female convicts an immense disproportion of the sexes must arise, which is an enormous evil: therefore the sending out of male convicts with a view to ultimate colonization, every one of whom must increase this disproportion of the sexes, is of itself an enormous evil*. In other words, as long as you continue to send out male convicts, you will be placed in the alternative either of sending out female emigrants and female convicts, which is a great evil; or of occasioning an immense disproportion of the sexes, which is another great evil. This objection cannot be brought against the plan of a colony for liberated criminals, to which women as well as men would naturally be removed from their respective penitentiaries, and in which the marriage tie would be encouraged as a means of final reformation,—perhaps the only means which can make a penitentiary system for females effectual after the expiration of punishment.

Of no less importance to the question of transportation in general is that part of it which affects juvenile delinquents, and we cannot but think that Dr. Lang has written with more caution than candour in omitting all mention of these two prominent features in the system. It is most important to remind our readers of the enormous proportion of juvenile delinquents in England, far exceeding that of any other country in Europe. In 1834 22,451 persons were accused of crimes in England and Wales, of whom 9078 were under twenty-one years of age! In France the proportion in 1833 was rather less than one seventh. The persons who argue upon the *get-*

* The present male population is about 60,000, the female 20,000; but in the subsidiary penal settlements the difference is far greater. With regard to the consequences which have arisen from this disproportion of the sexes, numerous facts have come to our knowledge, which are of so revolting a character that under no disguise can they be made fit for publication. The monstrous conceptions of a *Marquis de Sade* seem to have received the sanction and the notoriety of general custom; new mysteries of iniquity have been devised to satisfy the cravings of brutish appetites; and the sun has not looked down upon so horrible a place as the penal settlement of Norfolk Island since the Dead Sea rolled its asphaltic waters over the cities of the plain. The very name which was effaced from the earth in storms of avenging fire, thousands of years ago, has been commonly re-applied in the nineteenth century to a Christian colony, fed by the Christian Government of England, and defended by some Christian ministers of the Gospel! These statements have not been gotten up by the adversaries of the system: they have been gradually elicited from its partisans, and we trust that such evidence will not have been given in vain.

ting-rid-of principle naturally think that the sooner that end is accomplished the better, by a timely removal of juvenile offenders before they have been able to do us in England any great harm. As juvenile delinquency usually arises either from the training given by criminal parents to their children, in order to make the latter serve their own bad purposes, or from the total absence of parental control, which leaves the young savage to shift for himself upon the pavement of London, it is not unreasonable that society should step into the place of the bad or the unknown parent, and put a stop to these practices before they have led to more heinous results. But although this principle is a correct one, it is not difficult to show that transportation is the very worst way of putting it into practice. The object in view is to remedy the evil of early depravity and ignorance, to stop the mischievous propensities which have begun to show themselves, to substitute moral motives of action for them, and to direct that ingenuity which has hitherto been turned to chuck-farthing and gentlemen's pockets into a higher and more useful channel. But what does transportation do? It at once elevates the mischievous culprit to a higher rank in the schools of infamy: he takes his degree as a felon; he who has hitherto pilfered in the company of vagabonds as idle and ignorant as himself, is punished in the company of men who are eager and experienced in all crimes. If he is sent for a time to the juvenile hulk, he may escape the tyranny and blasphemy of older convicts, but that is all. He crosses the ocean in their company; and when he arrives at New South Wales he is to be joined with some profligate road-gang, or engaged in appalling works intended to intimidate the most robust felons, which will doubtless succeed in giving him a hearty disgust for labour and for life itself, if he was not already hardened against the utmost rigour of adversity. And all this has passed during his youth: he finds himself a man, emancipated from bondage, in the flush of his mad passions, and with means to satisfy them; but without one single principle to restrain and direct him, even in the use of that fortune which his position in Australia may enable him to acquire.

You, who were just now so eager to get rid of juvenile delinquents, and who thought it charitable and just to transport

them, you recoil from this picture. But in what particular is it overdrawn? Are not these the inevitable consequences of the system you would pursue? Unless you imagine that, by some rule of Australian contrariety, there are countries in which every stimulant to vice will infallibly lead to a life of virtue, and climates in which the uncorrected human heart is not depraved.

All hope however, especially in youth, is not swept away so easily as your delusions. The experiment of removing juvenile vagabonds and delinquents to the colonies (but on a very different plan from that of transportation) has now been tried for a sufficient length of time, and on a sufficiently large scale, to encourage most justifiable expectations of permanent success. Hitherto indeed the exertions of the Society for the Refuge of the Destitute and of the Children's Friend Society have been limited by the resources of private charity: the risk and the difficulties were encountered by the zealous friends and founders of these institutions, amongst whom it would be unjust not to mention Mr. Crawford and Captain Brenton; their results are national benefits, which it becomes the nation to apply on a scale suited to the extent of the evil to be checked. The main features of the plan pursued by the Children's Friend Society, in the Asylums at Hackney Wick and at Chiswick, offer a considerable analogy to the plan upon which we would establish a general system of secondary punishments; though the penitentiary discipline for young offenders is naturally and necessarily less rigorous and less protracted than that which would be applied to more determined characters. Thirteen hundred and thirty children, taken from the parliens of London and the gaols, have been received by the Society. They have there been subjected to a mild discipline (perhaps too mild,—though in this we differ from the amiable founders of the Asylum); they have received moral lessons and a certain share of instruction; they have been taught the happiness of constant industry, and practised in all the rural and domestic occupations; and they have thus been prepared for periodical emigration to various healthy colonies. The Victoria Asylum for girls at Chiswick is conducted on similar principles, though of course with certain modifications in the kind of education, and with some greater difficulties to en-

counter than in that of the boys. Branch societies have been established at the Cape of Good Hope and in Canada, to receive them on their arrival, and to place them as apprentices and free labourers under respectable colonists. The demand for these juvenile emigrants considerably exceeds the supply; and those who have been sent out have succeeded so well that this demand has been continually increasing.

The sole argument against this charity is that it may offer a bounty to parental depravity and neglect: but parental depravity is wont to seek its profits in a far less justifiable manner. Children trained to criminal practices are a direct source of gain to their parents, who have taught and forced them to steal for that very purpose; and the main difficulty which the Children's Friend Society has to encounter arises from the culpable disinclination of bad parents to lose the infamous services of their children. The parental tie is too often, amongst such classes of the population, a detestable calculation of profit and loss,—the profit being all on the side of the parent, and the loss on that of the child.

It was with cordial and unalloyed pleasure that we watched these reclaimed children at their healthful morning toil, when we were admitted to the privilege of visiting the grounds of Hackney Wick. Already the recollections of early want,—the stony bed, the uncertain meal, the baneful pleasures of guilt, and the rude company of noisome gaols,—seemed to have been obliterated from their minds. They shouldered with boyish pride the mattock and spade, with which they were to go forth and conquer new tracts of the globe. Their imaginations were possessed with the one ennobling idea of future success in foreign countries: and when you have taught a human being to look forward with intelligent and virtuous confidence to a future, you have no more to dread from his past,—he is already saved. These indeed are colonists which no settlement need dread or repel from its shores; and they who would otherwise grow up to be a curse to England, may powerfully contribute to found and extend future states not unworthy of her name.

We have dwelt at some length on this topic, because it is no longer doubtful that a penitentiary system will be adopted in this country for juvenile delinquents; although the recent reports of the inspectors of prisons show that the site

and the nature of that establishment are still undetermined. This is one step towards the diminution and final abolition of the transportation of convicts; and we trust that the time may arrive when Australia will be a nursing-mother, and a safe home, to the orphans and the reclaimed delinquents of our own country,—when England will have acknowledged the impolicy and the injustice of feeding with fresh supplies of corruption the great colonies of the eastern world.

ARTICLE V.

The History of Scotland.—By PATRICK FRASER TYTLER, Esq. Edinburgh, Vol. I. 1828,—Vol. VI. 1837; 8vo.

THE early history of Scotland presents a variety of features which broadly and strongly distinguish it from the history of England. In the latter, even during its most unsettled periods, we trace the existence of an acknowledged law of succession, government and responsibility upon the part of the sovereign, modified by the capacity of the individual by whom for the time the sceptre was wielded,—of resistance on the part of the nobles, alternating between the abridgement of the royal prerogative on the one hand, and the suppression of the growing influence of their vassals upon the other,—of a strenuous and systematic resolve upon the part of the community to assert their own independence, and, while yielding due respect to the guiding body, to establish the principle that all government, as it emanates from, must ultimately centre in, the people. Hence, in the revolutions to which England was subjected, either from abroad or from within, in the most rapid changes in its constitution, in its most brilliant successes or its most gloomy adversities, there almost always existed a predisposing cause so clearly manifested that the events to which it led seemed inevitable; and the mind, following the succession of cause and effect, is prepared for the result long before that result is announced. But it is not so with the history of Scotland. However distinguished by kingly attri-

butes its sovereigns may be, however chivalrous its barons, however free and patriotic the body of its inhabitants, the annals of that nation are marked with events which set philosophy as well as probability at defiance, and reflect alternately the highest credit or the deepest disgrace upon its kings, its lords and its commons. With a comparatively undefined principle of government, with fewer authentic historians to record its events, and nearly deprived of the important light which is supplied by records and state papers, the history of Scotland presents a less instructive field than is afforded by the history of England. But while less instructive it is not less interesting; the very circumstances which tend to lessen its importance in the estimation of the philosopher, recommend it to the special attention of the lover of romance.

The "*perfervidum ingenium Scottorum*," manifested in every question affecting the honour of that people, is as discernible in its authors as its warriors. The fables which disfigure the pages of every writer, from Fordun to Buchanan, are to be attributed to a mistaken desire to magnify the antiquity and importance of the nation; and although this spirit may probably have originated in the desire to establish the independent succession of a remoter dynasty than was referred to by our Edward the First when he laid claim to the throne of Scotland, its influence has been felt long after its origin was forgotten. Sensitive to a fault in the discussion of every question affecting the antiquity or the honour of Caledonia,—for here the terms are to be regarded as synonymous,—the earlier Scottish historians gloried in shrouding their annals in a mist of fables, and conceived that they were discharging the duty of good and loyal subjects when they recorded the actions of Achaius or enumerated the writings of Veremundus. Be that as it may, the history of Scotland is in general obscure, and there are periods which, from a combination of causes, seem involved in inexplicable darkness. To rescue it from this situation and to place it upon a more secure basis is a task which, if satisfactorily performed, is sufficient to exercise to the uttermost the zeal and the judgement of a mind of no ordinary character.

Amongst the writers who have previously engaged in this field of research, Sir David Dalrymple, better known as Lord Hailes, stands eminently distinguished. His "*Annals of Scot-*

“land from the accession of Malcolm Canmore to the accession of the House of Stuart” bear marks of a powerful mind, keen, acute, discerning, capable of discovering the springs of actions by their effects, deducing important inferences from apparently insignificant premises. The historical literature of Scotland was at a low ebb when Lord Hailes produced his *Annals*. Writers such as Duff, Maitland and Guthrie were read, quoted and considered satisfactory. The legends of Boethius and Buchanan passed unquestioned, the authority of Blind Harry was decisive; and from the Tweed to John o’ Groat’s house there were few who ventured to doubt that Fergus the First ascended the throne three hundred and eighteen years before Christ, or that Iona became the refuge for classical learning after Rome was plundered by Attila. But a great and a happy revolution was produced by the publication of the *Annals of Scotland*; authentic historians and state papers were consulted, evidence was examined before it was admitted, conflicting testimony was weighed, and the truth, long hidden, was brought to light. But amidst much to praise there are imperfections to censure. The *Annals* are rendered uninviting by the terse, abrupt and disconnected form in which they are written; they are, in fact, rather materials for history than history itself. In style his Lordship labours after singularity more than elegance; there are too frequent attempts to say something smart or epigrammatic; and the pettishness with which he sometimes scolds rather than reasons, the zeal and pertinacity with which he attempts to defend dubious characters and measures, and his ungenerous endeavours to underrate not only the successes but the motives of his countrymen, show that his powers of reflection, however strong, were upon some occasions weaker than his caprice or his prejudice.

Pinkerton’s reputation as an historian rests, as he himself admits, upon his “*History of Scotland from the accession of the House of Stuart to that of Mary.*” In research he was equal, perhaps superior, to Hailes, but in penetration and judgement he was infinitely inferior; hence his facts and references are more valuable than his reflections and deductions. Notwithstanding the defects of style under which this work labours, from an attempt upon the part of its author to in-

dudge in what may be termed Gibbonism, it is upon the whole a creditable production, and, until the publication of Mr. Tytler's work, it deservedly occupied a high rank in Scottish historical literature.

The reign of Queen Mary, and a portion of that of her unworthy son and successor, have been treated with elegance and ability by Robertson. Of the peculiar merits and defects of this popular book little need here be said. The judgement with which the subject is treated, the happy juxtaposition and contrast of its parts, and the good sense which pervades the whole, joined to the elegance of its style and its lucid arrangement, will always make this work a favourite with the public. And yet Robertson's History should be read with caution; while it cannot fail to delight it can never satisfy the student. It should not be forgotten that the author did not enjoy access to many of those sources of information from which alone such a history should be written; he is too frequently compelled therefore to trust to the scanty materials supplied by Anderson and Goodall. His residence at a distance from the English capital prevented his examining the contents of the British Museum and the State-Paper Office, and there can be no doubt that, if he had enjoyed access to those repositories, many of his views would have been changed and many of his errors would have been prevented. Although he had the advantage of the undigested collections thrown together by Bishop Keith, although he possessed in such an eminent degree the faculty of making happy guesses at the truth that, in many instances, recent research has gone only to prove the accuracy of his presumptions, yet it must be admitted that history is too important to admit speculations where certainty may be reasonably supposed attainable; and no genius however brilliant, no perception however acute, can dispense with humble and patient research into authorities.

The authors whose names we have mentioned have contented themselves with discussing the events of certain periods of history, but it has been reserved for Mr. Tytler to devote himself to the more ambitious labour of a General History of Scotland. He seems to have come to the task warm with an hereditary zeal for the subject, which he has inherited from his grandfather and his father; with experience and reputa-

tion as an historical writer enough to create a deserved prepossession in his favour; and, while predisposed to respect what he found good, and honourable, and true in the annals of his country, with a just perception of that first duty of an historian—the maintaining of the truth upon all occasions and at all hazards. Mr. Tytler's History of Scotland has been before the public for nearly ten years; it has advanced so far in its progress as to make its completion no very distant object; it is written with temper, candour and judgement; it has been prosecuted under the most favourable circumstances, and we rise from the perusal of its sixth volume with the conviction that its success must be complete, and is merited.

Before proceeding to a critical examination of its excellencies and its imperfections, it may be important to state, in general terms, that it is in many instances founded upon authentic documents, which until now have not been quoted by historians. Since the time of Hailes, Pinkerton and Robertson, much has been done towards extending our knowledge of the sources of our early history; new materials have in consequence been brought to light, and have either been made generally available by the press, or more easily accessible by the increased liberality of those in whose custody they are deposited. The funds of Government and of private Associations have been employed in publishing various works until then existing only in manuscript; family papers, long neglected, have now been scrutinized with attention; Record offices and libraries, formerly inaccessible, have been ransacked with laudable zeal and diligence. The materials thus produced have superseded a very great proportion of the labours of previous inquirers, founded as they are upon authorities now of second-rate importance.

That publication of all others which, by affording new information, has contributed most materially to the superior value of Mr. Tytler's volumes, is the *Rotuli Scotiæ*. This work, in two huge volumes, containing above seventeen hundred large folio pages, consists of contemporaneous enrolments or office copies of such instruments, relative to Scottish affairs, as issued by royal authority from the English Chancery between the years 1291 and 1516. It is difficult to give any adequate account of the varied contents of this most important store-

house of materials. The political, military, naval and ecclesiastical transactions between the two countries are here fully recorded. The claims of the competitors for the throne of Scotland, the submission of its nobles, ecclesiastics and boroughs,—instructions to ambassadors, treaties of peace, truce or surrender,—the renunciation by Edward III. of his assumed superiority,—negotiations for the ransom of David II. and James I.,—these and other transactions of equal importance are here preserved in their most authentic form. Besides such instruments of a public character, we find writs of military summons, by which the feudal retainers of England were required to perform their service against the Scotch; instructions to the sheriffs of counties for the levying of soldiers for the same purpose; mandates concerning the preparation of shipping, victuals, equipments and stores required for the prosecution of the wars, together with an infinity of documents of a miscellaneous nature, which, although valuable chiefly to the topographer and the genealogist, frequently contain information of considerable importance to the general historian. The Acts of the Parliament of Scotland from 1424 to 1707, in ten ponderous folio volumes, also contain much authentic matter of the highest value; and the same remark is applicable to the printed but unpublished volumes of the *Acta Dominorum Auditorum*, *Acta Dominorum Concilii*, and the *Compota Camerariorum Scotiæ*, with the use of which works Mr. Tytler has been favoured by their learned editor. The publications which we have mentioned have all issued from the press since the commencement of the present century, they have introduced a new æra in the historical literature of Scotland, and it may safely be asserted that any inquiry into the annals of that country which is unsupported by these authorities must be radically defective. Some considerable aid has been rendered by the productions—we wish we could say *publications*,—of the literary clubs of Scotland; societies instituted for the laudable purpose of printing such works as throw light upon the history, the literature, or the language of that nation. The *Diurnal of Occurrents*, Melville's *Memoirs*, Leslie's *History*, and a recently issued volume of letters illustrating the reign of Mary Queen of Scotland, are frequently quoted by Mr. Tytler, and will continue to furnish

much assistance during those periods of history to which his attention has yet to be directed. But all these sources of information, however valuable in themselves, are of inferior interest when compared with the contents of the State Paper Office. This establishment—perhaps in extent, certainly in importance—surpasses every other Record office in the kingdom. Here is deposited the correspondence of the successive ministers of state from the reign of Henry the Eighth until a recent period. In these letters, varying into the grades of official, semi-official and confidential, many a state secret is revealed, the hidden springs of many a political movement are developed. When inspecting these papers, we feel as if admitted to an unreserved and familiar intercourse with the statesmen of the past; Wolsey and Cromwell, Cecil and Walsingham here reveal themselves, and unbosom to us their hopes and fears, their plots and projects. The whole machinery of state is exposed to view; we have communications of all kinds, from the hurried and confidential note, penned in sickness (and in Latin) by Queen Elizabeth to Secretary Cecil, down to the proposal of the traitor or the report of the salaried spy. From the examination of such an unexplored fund the most important results might naturally be expected; and in the preface to his sixth volume Mr. Tytler thus expresses himself.

“The volume of the History of Scotland now published comprehends the period from the assassination of Cardinal Beaton, in 1546, to the marriage of Mary Queen of Scots with Henry Lord Darnley, in 1565, an interval brief indeed in point of time, but prolific in events, and most momentous in their consequences. In proof of this it is enough to say, that it embraces the history of the Reformation in Scotland; it includes the outbreak, the progress and the establishment of that wonderful revolution, of which, in a former volume, the author has marked the faint approaches, but which now, with all its conflicting principles, its mingled feelings and stern features, comes prominently before us. Preceding this great event, occurs the violent and impolitic invasion of the Protector Somerset, and the English war with the united forces of France and Scotland. In more immediate connection with it, the author has traced, with greater detail than former writers, the history of the regency of Mary of Lorraine, the crafty and unscrupulous policy of Elizabeth and Cecil, the plots of the Guises, and the selfishness, venality and restless intrigues of the Scottish nobles, as well Protestant as Romish. Upon these subjects he has had access to a large mass of valuable manuscript materials, of which the greater part has been hitherto unprinted and unexamined. These

materials consist chiefly of original letters of Knox, Cecil, Elizabeth, Mary, Murray, Randolph, Lethington, Throckmorton and many other actors in those dark and troubled times; and the historical student who is familiar with the earlier and able labours of preceding writers, will discover that an examination of this correspondence has enabled the author to throw new light upon this division of his work, and to recover from the waste of conjecture and obscurity some portions of Scottish history which were lost."

Until the history of the reign of Queen Mary is completed, or at least until Mr. Tytler has reached that important æra produced by her flight into England, it would be premature to examine the manner in which this subject, hitherto one of bitter controversy, has been treated by him. From the specimen afforded by the volume now published, we may venture to believe that the period is at hand in which the guilt or innocence of Mary is likely to be established; and we look forward with no little interest to the continuance of Mr. Tytler's labours, in the hope that, with his resources and impartiality, he may be able to produce conclusive evidence upon this long-agitated question. It may possibly be our lot to revert in due season to the subject, when we shall present our readers with an outline of the facts, and the conclusions to which these facts seem to lead us.

But while thus expressing, in general terms, a favourable opinion of the work before us, we feel ourselves called upon to assert that it is capable of improvements, more especially in its earlier parts; and in this statement we only echo the candid admission made by Mr. Tytler himself in the preface to his last volume. The contents of our numerous Record offices and Collegiate libraries are even yet too little known to permit us to predicate with any degree of certainty what may or may not be found in their unexplored recesses. Not only has much been done since the appearance of the first volume of this History, but the attention which has within the last few months been directed to the national archives is likely to be attended with more important results. Sir Francis Palgrave announces that he has discovered in the Chapter-house documents which place in a new light the important events connected with the adjudication of the crown of Scotland to Baliol. The long and intimate connection which existed between France and Scotland induces us to believe,

that documents illustrative of the history of the latter country must exist in the Hôtel Soubise and the Bibliothèque du Roi, more especially since we know that volumes containing the correspondence of the Regent Albany, of Mary of Guise, and of her daughter Mary of Scotland, are there deposited. The *Scalacronica*, a volume rich in allusions to Scottish events, has very recently been printed, from the unique manuscript at Cambridge, by the Maitland Club; and the same active association is about to issue a more important work, the *Chronicle of Lanercost*. The introductory volume to the *Acts of Parliament of Scotland*, so long and so anxiously anticipated, is, we understand, in a state of forwardness, and its learned editor has pledged himself for its speedy publication. It is by no means certain whether the voluminous correspondence of Beaton, Archbishop of Glasgow, which he deposited in the Scotch College at Paris, was or was not destroyed at the time of the first French Revolution; if it exists, its inspection would be most essential to a correct idea of the history of Mary's reign upon many of its most important questions. The papers of the Earl of Arran are preserved at Hamilton Palace, and the Cecil papers are at Hatfield House; the noble families in whose custody they are placed would naturally feel a pride in communicating them to the historian. Besides these there probably are other sources with which Mr. Tytler's increased experience has made him acquainted; and while these remarks are not meant to detract from the value of his *History of Scotland*, they are proofs how historical materials may elude the most zealous and patient research; and are inducements urging the author to unwearied exertion in preparing a new edition, for which we doubt not the public will make a speedy application.

While it is obviously impossible for us to trace the narrative of this work from its commencement onwards, it would scarcely be just, either to its author or to our readers, were we to pronounce an opinion upon its merits without affording a specimen of its execution. Mere praise or blame are easily bestowed, and deservedly becomes valueless or innocuous, unless accompanied by the production of evidence upon which such opinion is founded. To select those passages only which admit of amendment would be unjust;

to cull only such as place the work in a favourable light would be disingenuous. The more impartial process seems to be found in submitting to a critical investigation some one event, or connected series of events, in the management of which the merits or imperfections of the author may reasonably be presumed to be exhibited. And if we select for examination some one transaction more than usually obscure ; if that event be discussed in a portion of the work which has the fewest pretensions to completeness ; if in this question the conclusions of our author are at variance with those of the highest authority amongst his predecessors, we wish it to be understood that our choice is made not from any wish to be captious, but simply that, by putting Mr. Tytler's claims as an historian to the severest test, we may faithfully discharge to the public the duty which has been imposed upon us.

The history of Scotland seems naturally to resolve itself into several distinct æras, each distinguished from the other by the general character of its events. Amongst these there is one period which strongly arrests the attention, and to which we are induced to revert with greater frequency and enthusiasm than to any other. Although from a variety of reasons the occurrences of remote antiquity stand so much aloof from our present state of being that we seem to have little in common, yet, on the other hand, the very difference between the two stages of society furnishes in itself ample room for meditation, and comes to us recommended at least by its novelty. It is true that the feudal system, with its privileges and its obligations, has long since passed away, and its influence has ceased to be felt among us ; our laws, habits and feelings have been so changed (perhaps improved), that the institutions of our ancestors have become little more than a dead letter ; but while this and much more must be admitted, we find that human nature, however modified by external circumstances, is always essentially the same, and that our sympathies are awakened by the sorrows, or our admiration excited by the virtues, as well of the past as the present. Qualities which originate in and are nurtured by a stage of less polished civilization, are perhaps those which most forcibly attract our notice, and in these the history of Scotland

is particularly fertile. The events which occurred in rapid succession from the death of Alexander the Third to the establishment of Robert Bruce upon the throne, by the battle of Bannockburn, form an æra in which the qualities requisite for historical romance are united in an eminent degree. The action however is twofold, for the heroes are two, Wallace and Bruce, names never to be forgotten in the annals of freedom. If we were called upon to decide which of these characters is entitled to the higher admiration, we should find the task a difficult one; but it is not necessary that any such comparison should be instituted. In the following pages we confine ourselves to an examination of the manner in which the history of Wallace has been treated by Mr. Tytler, adding to his narrative some important additional facts which have reached us from sources of information but recently investigated.

As we have before stated, the history of Wallace forms one of those questions upon which authors have adopted conflicting opinions. Upon the one hand Carte, Lord Hailes, Lingard and some others have regarded him as an individual whose merits, talents and successes have been egregiously overrated by his countrymen. By implication, if not openly, they have admitted the justice of the terms "*latro publicus et homicida*," so liberally bestowed upon him by the early English historians. In his military exploits against the English they see nothing extraordinary except his ferocity; in his political career they detect only an attempt to secure his own aggrandizement; in his betrayal they see no treachery, no severity in his execution. In opposition to these lovers of paradox stands the bulk of the Scottish nation, who in this instance may be considered as represented by Mr. Tytler. In their eyes Wallace is entitled to the credit of having planned and accomplished, under circumstances of more than ordinary difficulty, the liberation of his country from the yoke of the English; they see much to admire in the political tact with which he contrived to unite for a time the discordant factions into which the nation was split by party feuds and interests; they speak with enthusiasm of the military skill by which he defeated the experienced generals and the numerous armies of England, of the bravery

which he exhibited in the field, and the fortitude with which he ascended the scaffold.

In the distribution of kingdoms into which the hand of Providence has mapped out the states of Europe, it seems obviously intended that England and Scotland should be united under one ruler. Divided only by "a river here, there" "an ideal line," separated from the rest of the world by the ocean, and tenanted by nations of kindred laws, language and descent, the enmity by which the inhabitants of Great Britain were estranged from each other for so many centuries was unnatural, and tended to the disadvantage of each kingdom. England, the richer and more powerful, expended her treasure and her population in attempts to secure large districts in France; attempts which, if successful, would have reduced the parent nation to the secondary importance of a province. Normandy, Guienne, Anjou, Touraine, Poitou, Xaintogne, Maine, Auvergne, Perigord, Angoumois, Limosin and Brittany, districts equal in extent to one third of the monarchy, and superior in opulence to those which were under the immediate subjection of the French sovereign, were at one time possessed by the English; and these vast excrescences could be supported only by an enormous waste of strength by the body to which they were so unnaturally appended. Had the blood and the money which our Edward the Third and Henry the Fifth poured with such lavish profusion, in impolitic endeavours to reduce France, been expended in uniting Scotland and Ireland to the crown of England, they would have greater claims upon our respect than as the heroes of Cressy and Agincourt. Scotland on the other hand, with greater prudence, embarked in no such enterprises, and the connections which she formed by marriage served rather to the extension of her commerce than her conquests. With the exception of a few unimportant skirmishes with the Norwegian sovereigns, or the petty chieftains of the Isles, her energies, prior to the death of Alexander the Third, seem to have been directed to the preservation of her independence, and, when undisturbed from without, to commercial speculations or agricultural improvement. During the earlier part of this reign the intercourse between England and Scotland began to assume an appearance of hostility; but by the easy temper of Henry the Third, and the judicious for-

bearance of Alexander's counsellors, this warfare, which would have proved so ruinous to the latter realm, was avoided, and not only the semblance but the spirit of friendship was preserved. The royal families were closely united by marriage; many of the nobles in each kingdom were similarly circumstanced; Alexander and a large proportion of his barons held possessions in England, and consequently owed service to Henry as their feudal superior,—circumstances which contributed to forbearance upon the one hand and deference upon the other. But affairs assumed a different aspect upon the death of Alexander the Third, which happened upon March the 19th, 1286*. The unpublished Chronicle of Lanercost† furnishes us with some particulars regarding this event, which, it is believed, are not recorded by any other historian. Alexander's character is here painted in no favourable colours; he is described as cruel, avaricious and voluptuous; the death of his first wife and his children is regarded as a warning sent by God for his correction, and his own is said to have followed as a punishment for his incorrigible stubbornness. Upon the day of his death he was seated in the hall of Edinburgh castle, occupied partly in the transaction of business of state, partly in indiscreet conversation and merriment with his nobles. When the feast was over he determined upon visiting his young bride Yoleta, who had been induced by the splendid offer of a throne to renounce the monastic habit to which she had devoted herself. For that purpose, disregarding the remonstrances of his guests, the violence of the tempest which raged without, and the restraint placed upon him by the season of Lent, he commenced his journey to Kinghorn, where his wife resided; he passed Queen's-ferry in safety, and accompanied only by three esquires he reached the borough of Inverkethin. The master of the royal salt-works recognized the king's voice, and after freely commenting upon the dangers incident to these nocturnal rambles (in which, by-the-by, he is said to have indulged for the purpose of visiting others besides his wife), he recommended

* The date usually assigned is March 16; the statement in the text is upon the authority of the Chronicle of Lanercost.

† This Chronicle, abounding in valuable and authentic information regarding the affairs of the North of England and Scotland, has not hitherto met with the attention which it merits.

a halt until daybreak. The proposal was jestingly rejected, but two guides were demanded, and having put himself under their direction the fated monarch continued his journey. But before the party had advanced a couple of miles they lost all acquaintance with their road, and were compelled to trust themselves to the instinctive guidance of their horses. When riding along a narrow path near the sea-shore the king was thrown from his horse, and perished like another Sisera, says our monkish historian, who adds that when he was present at the funeral solemnities which were performed in the abbey of Dunfermling, he noticed that the cheeks of all were wet excepting only those who were most bound to the king by friendship and gratitude.

The affairs of the kingdom assumed a disturbed and gloomy aspect. It was obvious that, although the succession to the throne had been previously settled by the Three Estates of Parliament upon Margaret the Maiden of Norway, yet her sex, her infancy and her residence in a foreign country rendered her authority doubtful, if not contemptible, in the eyes of a turbulent nation. Thus, under the pretext of defending the interests of the youthful queen, or of securing the tranquillity or the independence of the realm, an opportunity was afforded by which the marauding nobles could summon with some grace their retainers, and await with calm satisfaction the struggle which they saw approaching.

But in the mean time measures of a public nature were not neglected. The clergy, nobility and commons, who had assembled at the funeral of the late king, appear immediately to have constituted a regency, of which the Bishops of St. Andrews and Glasgow were the principal, if not the only members. No time was lost in communicating with their powerful neighbour Edward the First, to whom, as the brother-in-law of the deceased monarch and the grand-uncle of Margaret of Norway, they naturally looked for advice and protection. Unfortunately the letter* of credence which the messengers, John of St. Germain, Prior of the Friars-Preachers of Perth, and Prior Arnold, of the same order, carried with

* We quote from the original letter, which is dated at Dunfermling, upon the Friday after the Annunciation of our Lord (corresponding to March 31), 1286.

them is silent as to the particulars which they were empowered to discuss, and leaves the whole transaction, except the bare fact of its occurrence, in obscurity. But whatever their proposals—and there is not the shadow of a reason to surmise that this message could be intended to suggest to Edward the line of conduct which he subsequently pursued—all arrangements must have been suspended by the Queen dowager Yoleta's declaring that she was about to present them with an heir to the vacant throne of Scotland.

It is not easy to decide whether there is any foundation for the scandal circulated by the Chronicler of Lanercost against the Queen. In addition to the enmity which, as a good Borderer, he felt against the Scottish nation in general, as a good monk he may be supposed to have entertained an additional share of prejudice towards a nun who had broken her vow of celibacy. By him we are informed that Yoleta contrived to preserve, for the extraordinary period of eleven months, the popularity which her delicate condition gave her in the eyes of the expectant people; and that, when this deception could no longer be sustained, she attempted to introduce into her bedchamber an infant of mean parentage, for the purpose of passing it off as the son of her late husband King Alexander. The fraud was detected by William Earl of Buchan: the indignant populace threatened to bury her alive, and she was happy in escaping to the Continent, where, in the year 1294, she became the wife of Arthur Duke of Bretagne.

Events of the utmost importance now followed in rapid succession. Edward took the affairs of Scotland under his immediate protection and control; and having been acknowledged Lord Paramount, the claims of the competitors were submitted to his arbitration. After some preliminaries it was decided that John Baliol was the nearest heir to the royal line, and to him was adjudicated the vacant throne. He acknowledged Edward as his superior, and did homage for the crown which he had received as the representative of a free people. In thus consenting to an arrangement which involved the national independence he had a precedent in the example of the chief nobility; and although it may be admitted that he failed to act with the spirit of a great mind, yet much may be said in extenuation of his conduct. The emi-

nence which he thus attained brought all the miseries of power without its advantages. In the King of England he found a master resolved to exercise with the utmost rigour all the privileges which the feudal system gave him over his vassal; in the Scottish nobility he had to deal with a party organized for the purpose of resisting all encroachments which might be made, through him, upon the liberty of their country. By birth, education and feelings Baliol was an Englishman; and at first the control of his subjects was probably more irksome to him than the exactions of his sovereign. But the indignities which were studiously heaped upon him soon became intolerable, and, though tardily, produced the effect which was intended; he renounced his homage to England, entered into a confederacy with France, and seemed resolved by the energy of his proceedings to atone for the indecision which he had formerly exhibited.

Nothing could be more agreeable to Edward than the announcement of this determination, since it gave him a pretext for putting into execution schemes long cherished and matured, for the accomplishment of which he had waited with impatience. He began his northern campaign with vigour; Berwick, then the richest and most populous town in Scotland, was taken, and its inhabitants were slaughtered without regard to age or sex; the castles of Roxburgh, Edinburgh and Stirling surrendered, and the army of the insurgents was defeated with immense loss at Dunbar. Baliol was reduced to the necessity of submitting to the conqueror, and after performing sundry acts of humiliating penance to his offended liege-lord, and resigning Scotland and its people, his feudal delinquency was pardoned, and he was sent a prisoner to the Tower of London.

Edward proceeded northward, and in his progress he received the homage of the nobility, the clergy and the Commons. Returning he held a parliament at Berwick, and there adopted measures which tended to strengthen his own power, and at the same time to conciliate the affections of the subjugated nation. He restored the possessions of such landholders as did fealty to him, and many of the arrangements which had been made by Baliol were permitted to continue in force; but at the same time he took care to invest John de Warenne, the new governor, with extensive military powers both in Scot-

land and the North of England, and he committed the custody of all fortresses to those whom he knew to be firmly attached to his interests. Having taken these precautions, which reflect no less credit upon his talents as a politician than his previous exploits redounded to his military reputation, he returned homewards, with the confidence of seeing Scotland, like Wales, become an appanage to the throne of England.

The calm which succeeded was of short duration. The Earl of Warenne, labouring under ill health and conceiving that the spirit of the Scottish nation was completely broken, resided in the North of England; Cressingham, the Treasurer, was grasping and avaricious; Ormesby, the Justiciary, was cruel and oppressive; and the duties of these offices were neglected, or discharged with unnecessary and ill-judged severity. Although the Scottish nobility were so far reduced to subjection as to submit without resistance to the English yoke, yet a variety of causes conspired to exempt the lower orders from the same callousness; and a band of sturdy peasantry—designated as outlaws by their adversaries—has the credit of commencing the struggle for national independence.

For a while their efforts must have been unsystematic, disconnected and unimportant, partaking rather the character of a predatory incursion than a great national struggle; but at length the party was united under a leader possessing in an eminent degree all those qualities which fitted him for carrying on either a regular or a desultory warfare. He was courageous, inured to privation and fatigue, prompt and enterprising, of immense bodily strength and of singular skill in the use of his weapons, familiarly acquainted with the country in which he acted, and influenced by an uncompromising hatred against his enemies. The efforts of the insurgents now became more methodised; they were planned with greater judgement, and executed with greater boldness; the Scottish nation began to look with interest on a contest in which they had not yet the courage to participate, and Edward soon became aware that active measures were necessary for the preservation of his supremacy.

Of William Wallace, whose energies had thus been called into action, we know very little. No authentic information has

reached us respecting his parentage*; and as to his early history, unless we assent to the legends told us by Blind Harry, (whose authority by-the-by, as we shall presently have occasion to show, is not always so contemptible as Lord Hailes would have us to believe,) we must pass this branch of the subject in silence. It is not until May 1297 that we have any connected account of his exploits, but at that time he appears as the asserter of Scottish independence. To form an adequate idea of the difficulty and the danger of such a project as that which Wallace undertook, it may be necessary to examine for a moment the relative position of the two nations. Edward was in the vigour of his manhood, with a judgement matured and a body unimpaired; he had extended his fame over Europe and into Asia; the Kings of France and Arragon had submitted their disputes to his arbitration; the thrones of Scotland and Sicily had been adjudicated by his decree; he had united Wales to his dominions, and found himself sufficiently powerful to disregard alike the censures and the sug-

* Although little can be stated with certainty regarding the pedigree of Wallace, yet upon such a subject even probability must be interesting. The following table is founded upon evidence which seems worthy of consideration:

Richard Walense acquired lands in Kyle, where he settled and named the place Richard-tun, which is now the name of a village and parish in Ayrshire. He was witness to charters of Walter the first Steward, one of which is before the year 1174. (Chart. Paisl. 7).

Richard Walense succeeded him and was contemporary with Alan the son of Walter.

Richard Walense, alias Waleys, (for in the cartularies the name is written each way,) succeeded him, and was contemporary with the second Walter and with his son Alexander. He held the estate of Oehencrowe on the river Ayr (Dalrymp. Collect. p. 413), as well as the original estate of Ricardtun and other lands in Kyle.

Henry Walense held lands in Renfrewshire under Walter the Steward in the early part of the 13th century.

Adam Walense lived temp. Alexand. II., and is called in a charter of the second Walter "miles noster."

Malcolm Waleys was dr. of Sir Reginald Crawford, sheriff of Ayr.

Malcolm Wallace. See this volume p. 158.

SIR WILLIAM WALLACE of Ellerslie, † 23rd Aug. 1305, s. p. l. The estate of Ellerslie went to the Wallaces of Ricardton as his nearest male heirs. (Chart. Paisl.)

John Wallace, taken prisoner and executed by Edward in 1307. (Chron. Lanercost, fol. 212.)

gestions of the Pope. England by his judicious administration had attained a degree of internal quiet which she had never before enjoyed; the nobles were held in awe by his talents, and the affections of the people were secured by his attention to their interests. Scotland, on the other hand, presented all the humiliating features of a subjugated province; its king was in exile, its nobles were in prison or serving in a distant country under the banners of the conqueror, its castles were tenanted by English soldiery, and its people reduced to a state of abject dependence upon the will of a foreign despot. It is scarcely possible to believe that under such circumstances Wallace could anticipate the extraordinary success which attended him; we venture to conjecture that accidental circumstances, rather than a preconceived scheme, placed him in the situation in which he first appears, and that the part which he took in some act of violence occasioned by the tyranny of Edward's ministers led to that burst of popular indignation of which he was, for a time, as well the agent as the director. Bower and Blind Harry agree that he was outlawed for killing William de Hesilridge, the English sheriff of Clydesdale, a traditionary tale which, although rejected by Lord Hailes, is placed beyond a doubt by the unimpeachable authority of the *Scalacronica*. The author of this History, Thomas de Grey (an ancestor of the present Earl Grey), had his information of this fact from his father, who was present at the skirmish and was left for dead in the midst of the burning ruins*. The next exploit in which the insurgents engaged was attended with more important results. Warrene the Governor and Cressingham the Treasurer had proceeded into England for the purpose of attending a parliament at London; Ormesby, the Justiciary, was therefore the only English officer resident in Scotland. By a rapid march across the country to Scone, where he held his court, it was intended that he should be intercepted and killed; but timely intelligence of the plan having reached him, he secured his safety by a precipitate flight into England. Lukewarm measures were now no longer advisable or practicable; and the party, being strengthened by the Bishop of Glasgow, the Steward of Scot-

* *Scalacronica*, p. 123. Maitland Club edition, Glasgow, 1836.

land and his brother, Robert de Bruce, Sir Richard Lundin, Sir Andrew Murray, Sir William Douglas and others, reared once more the Lion of Scotland in opposition to the Leopards of England.

This intelligence reached Edward when about to embark for Flanders, and consequently unable to give personal attendance to the affairs of Scotland. He adopted measures which seemed more than adequate to quench the spirit of insubordination thus unexpectedly manifested in a country which he himself, but a few months before, had left in a state of quiet resignation to its fate. He directed the Earl of Warenne to put himself at the head of all the military force of England from the Trent northwards; some of the imprisoned Scottish nobility were released from custody and despatched home to secure the fidelity of their vassals, and a writ was issued to Cressingham the Treasurer strictly enjoining him to suspend all payments, for whatsoever purpose, so that the whole revenues of Scotland might be appropriated to the extermination of these "rebels, malefactors, and disturbers of the peace*." It was not possible to obey these orders so as to satisfy the spirit in which they were dictated. We learn from a letter addressed by Cressingham to Edward, in answer to the writ which we have mentioned, that it was then, and had been for some time past, impracticable to levy a single penny; that so far from being able to raise the sum adequate for the expedition, there were no English sheriffs resident in any of the Scottish counties with the exception of Berwick and Roxburgh; that many of these officers had been slain, some had escaped, and none ventured to return, a strong proof of the readiness with which the nation had responded to the summons of Wallace. The Earl of Warenne, if he ventured at this time into Scotland, returned without having encountered the insurgents; but Percy and Clifford, who were stationed upon the West Borders, found them encamped near Irving, and upon July 9th induced some of the party to enter into a negotiation by which they renounced the national cause and made submission to Edward. Wallace and Sir Andrew Moray of Bothwell rejected all compromise and retired northward. Upon July 27th Cressingham informed Ed-

* Rot. Scot., 24 June, 1297.

ward that a numerous party still adhered to Wallace, who had encamped in the forest of Selkirk; and a letter written upon the same day by the Bishop of Aberdeen, John Comyn Earl of Buchan, and Garteney son of the Earl of Mar, shows that Andrew Moray the younger had excited serious disturbances in the counties of Inverness and Ross. It was therefore resolved that the English troops should assemble at Berwick for a more concentrated and vigorous prosecution of the warfare. The muster-roll of the army under Warenne is in existence, and furnishes us with a distinct account of the number of the troops which he led to the disastrous battle of Stirling*. Brian Fitz Alan, who had been appointed the new Governor of Scotland, was understood to be upon his way to assume the command of the army, and to exercise the important duties with which he was entrusted by the royal commission†; Warenne seems to have considered himself under the censure of his master, and acted rather as a lieutenant than a general. The obstinate ignorance of Cressingham, an ecclesiastic, joined to the want of subordination which appears to have prevailed in the English army, led to an engagement with Wallace under extremely disadvantageous circumstances, and Warenne was defeated with immense loss at the Bridge of Stirling.

A victory gained by undisciplined troops over the English viceroy and the English chivalry must naturally have produced a strong feeling in favour of the general by whose skill and courage it was achieved, especially when it was felt that further exertions were necessary before any real benefit could result from the triumph. The panic occasioned by the defeat, the absence in Flanders of a considerable proportion of the military strength of England, and a report which reached them of the death of Edward, seemed to offer too tempting an opportunity to be neglected; but as nothing could be done but by unity of purpose, so that unity could not be hoped for except by the appointment of an acknowledged head. Here however difficulties interposed, for their king was a prisoner, and of the nobles few were exempt from the pre-

* The ninth collected for the use of the king in the furtherance of the Scottish war amounted in one year to 10,828*l.* 19*s.* 9*d.*, whereof was paid as wages in the same period the sum of 10,720*l.* 8*s.*

† Rot. Pat. 25 Edw. I., p. ii., m. 7., dat. 28 Aug.

sumption or the certainty of having made concessions to England. No suspicion of this nature could be attached to Wallace or to Sir Andrew Moray (son of him who was killed at Stirling), and upon them fell the choice of the nation. Within a month after the defeat of Warenne we find these two individuals styling themselves "*Duces exercitus regni Scotiæ et communitatis ejusdem regni*," and announcing to foreign powers the liberation of Scotland, by battle, from the dominion of the English.

Lord Hailes remarks, "That Wallace deserved the office is certain, *how* he obtained it must for ever remain problematical." An unprinted Chronicle, written early in the reign of Edward the Second, furnishes some information upon the subject which has every appearance of probability. It states that after the battle of Stirling the Scotch, finding that the promises of victory which had been held out to them were realised, and expecting yet greater successes, requested Wallace to be the leader of their army, and that the first Earl in Scotland girded him with the belt of a knight at a great national assembly which was held upon the occasion.

An expedition into England was now resolved upon, and appears to have been carried into execution with a ferocity which, although partly owing to the spirit of the times, was doubtless augmented by the recollection of past injuries. The English being now the sufferers, their historians are minute in their account of these ravages. Berwick*, then an unwall'd town and deserted by its English defenders, fell an easy prey to the Scotch; they pillaged Northumberland and Cumberland; the inhabitants who could not escape southwards, or gain an entrance into the castles, were slaughtered without regard to age, sex or condition. Hemingford, a contemporary historian who cannot be accused of any prejudice in favour of Wallace, narrates an interesting occurrence which took place at this time, and we insert it as exhibiting the character of the Scottish hero in a pleasing light. The priory of Hexham

* We look forward with anxiety to the appearance of the History of Berwick by our zealous antiquarian friend Robert Weddell, Esq., knowing that the rich harvest of information which he has gathered from the Record Offices and the Public and Collegiate Libraries, both of England and Scotland, will enable him to contribute a most important addition to our topographical literature.

had, like other religious houses, been deserted by its inhabitants; but when it was reported that the Scottish army had taken a different route from what had been anticipated, three of the inmates ventured to return, and had scarcely done so when they were surprised by a party of the invaders. Although the affrighted priests sought refuge in their oratory, its sanctity afforded them no protection; they were seized, and commanded under pain of instant death to deliver up the treasures of their church. While one of them was attempting to convince the soldiers that the few and insignificant utensils which he produced were the only treasures which their house, impoverished by a prior incursion of the Scots, had been able to procure, Wallace entered the chapel. He expelled the marauders, humbly requested that mass might be celebrated, and retired to divest himself of his armour, in order that he might participate with all due reverence in the sacrament of the altar. Upon his return he found that his followers had broken in upon the service, already commenced, and had carried off the cup, the embroidered cloths, and even the mass-book. He caused instant search to be made for the delinquents, who, although recognized, were not pointed out to him, as it was known that they would be beheaded; and he cautioned the priests to remain near him as their only protection against the savage troops whom he commanded. He remained there during three days, while his army ravaged the surrounding country, and on his departure he gave letters patent announcing that he had taken the prior and convent of Hexham, their lands, tenants, goods and possessions under his immediate protection, a privilege of which they must have been taught the value by the scenes which they had just witnessed*.

The return of Edward from Flanders gave a different turn to the affairs of Scotland. At the head of an immense army he entered Lothian, while Wallace, acting upon the principle afterwards so frequently and successfully adopted by Bruce, retired before him and led him on into a country incapable

* These letters of protection run in the name of Andrew de Moray and William Wallace, who style themselves, "Duces exercitus regni Scotiæ, nomine præclari principis domini Johannis Dei gratia regis Scotiæ illustris, de consensu communitatis regni ejusdem." Dated November 7.

of sustaining either his men or the horses of his numerous cavalry. The English fleet being detained by contrary winds, Edward found himself reduced to the necessity of commencing an inglorious retreat, while the Scotch were ready to hang upon his rear and harass him by frequent skirmishes. While he was in this position a spy informed Edward that his enemies were encamped in a wood near Falkirk, and, aware that his only hope lay in compelling his antagonist to fight, he gave instant directions to proceed thither. Had the Scotch persevered in their newly adopted tactics they would have gained a most important advantage, but instead of receding, as they should have done, they resolutely kept their ground, fought, and were beaten.

The battle of Falkirk more than any other was fatal to the independence of Scotland, for the defeat which Wallace there sustained was occasioned no less by the treachery of his associates than the superior force of his enemies. It has been conjectured, and upon plausible grounds, that feeling he had discharged his duty to his country, and indignant at the perfidy which he had witnessed, he resigned in disgust the authority with which he had been invested, "nor does it appear that he retained any command in the armies, or influence in the councils of that nation which he had once freed." It is certain not only that he was not one of the new Guardians of Scotland who were now appointed, but that he vanishes for some years from the page of its history. How he was occupied during this period has hitherto been a problem; it was difficult to give credence on the one hand to the wild and contradictory stories of Blind Harry, who tells us that Wallace paid a visit to the French King, and amused himself in expelling the English from Guyenne; it was equally difficult to imagine that he could witness in calm indifference the conquests of Edward without an exertion to repress them. The doubt in which the question has hitherto been involved can now be removed, and we bring forward for the first time evidence to show that during this period of presumed inactivity he was engaged in the transaction of business of the highest national importance.

The anonymous Chronicle written in the time of Edward the Second, to which we have before alluded, is our authority for stating that immediately after the battle of Falkirk Wallace

determined upon visiting France, believing that he might obtain assistance from its sovereign. When he arrived at Amiens, where Philip then resided, he met with a different reception from what he had anticipated; he was arrested and committed to prison, and a letter was despatched to Edward asking him if the transmission of Wallace to London would afford him any gratification. As might have been anticipated Edward was prodigal in his thanks, but requested that Wallace should for the present be detained in safe custody at Amiens,—and here our Chronicle unfortunately leaves him, the chapter devoted to Scottish affairs breaking off, and that subject not being resumed. In this narrative there is nothing which is inconsistent with probability. Philip not only had professed regard for Scotland, but had recently entered into a treaty of offensive and defensive alliance with Baliol against Edward; and Wallace acknowledged Baliol as his lawful sovereign. France, having deprived Edward of the duchy of Guyenne, had been engaged in a long contest with England; to annoy England by assisting Scotland would be a popular measure, and consequently the honour as well as the interest of Philip would seem to lead to the conclusions which Wallace anticipated. But he was ignorant of circumstances which had recently occurred, the relative positions of France, England and Scotland were changed, and it no longer suited Philip to take a hostile part against Edward. The Pope had succeeded in bringing about a reconciliation; Guyenne, the cause of hostility, was about to be restored to England, and a marriage between Edward and Philip's sister Margaret was in contemplation. To furnish the supplies which Scotland required was therefore impossible, to countenance Wallace would be impolitic; to deliver him up to Edward would be cruel. Philip adopted a middle course; he feigned an intention of surrendering the applicant to Edward, while he secretly released him from prison and furnished him with recommendatory letters addressed to his own agents resident at the Papal court.

Of this last fact we have the best evidence in the original document, now before us, with which Wallace was entrusted. It is dated at Pierrefort* upon the Monday after the feast of

* Near Compiègne, where the ruins of an ancient castle may yet be seen.

All-Saints*, and is addressed, as we have before stated, to the French agents at the court of Rome, ordering them to solicit Boniface to give a favourable hearing to the statements which William le Walois, a Scottish knight, intended to lay before his Holiness. This letter, beyond all doubt an original, is endorsed by a contemporaneous English hand, "The fourth letter of the king of France." We cannot discover when or how this document came into England, and we therefore refrain from intruding upon our readers the conjectures which we have formed upon the subject. Nor is there any proof that Wallace proceeded to Rome, nor does anything remain to show distinctly what was the business which he there wished to prosecute. But certain it is that about this date Boniface began to evince more than usual interest in the affairs of Scotland, and addressed a long Bull to Edward, in which, after exhibiting considerable knowledge in the early history of that nation, he took it under his own immediate protection and commanded Edward to withdraw all claim to its superiority. A letter from Robert Hastings, the English warden of Roxburgh castle, addressed to Edward, contains some further information upon Wallace's foreign expedition, from which document, as a curious specimen of the Border correspondence of the time, we give a few extracts. He commences by informing the king that upon the Thursday last past an attack upon the town of Roxburgh had been planned by the Bishop of St. Andrews, the Earl of Carrick, the Earl of Buchan, the Earl of Athol, the Earl of Menteith, Sir John Comyn the younger, and the Steward of Scotland; but finding from the strength of the garrison that it could not be carried without considerable loss upon their side they abandoned the enterprise. A few days afterwards they held a meeting, "at which time," says Hastings, "I had my spy amongst them." David de Graham arose, and asked the Council to give him the lands and goods belonging to Sir William Wallace, upon the plea that he was absent from the realm without the consent of the Guardians. This motion was opposed by Malcolm Wallace, William's brother, who suggested that, as long as the realm

* 3 November 1298. Although the year is not expressed there is ample testimony in support of the date to which we have assigned it.

was benefited by Sir William's absence, it was not for them to forfeit his lands and goods. The lie was then given, and as a matter of course daggers were drawn. The meeting was split into several little parties, each of which imagined that the present broil was a preconcerted scheme for its extirpation. Sir John Comyn seized the Earl of Carrick by the throat, the Earl of Buchan behaved in the same manner to the Bishop of St. Andrews, and bloodshed would inevitably have followed but for the interference of the Steward of Scotland and others, who with difficulty separated the combatants. At this moment a letter arrived conveying information which required immediate attention; it was determined that the Bishop of St. Andrews, as principal of their number, should have the custody of all the castles, and that the Earl of Carrick and Sir John Comyn the younger should be associated with him as joint Guardians of Scotland. The party then separated, the Earl of Carrick and Sir David de Brechin went to Annandale, the Earl of Buchan and Sir John Comyn the younger crossed the Forth, the Steward and the Earl of Menteith proceeded to Clydesdale, the Bishop of St. Andrews remained at Stobo. Before their departure Sir Ingram de Umfraville was appointed Sheriff of Roxburgh, and Sir Robert de Keith Warden of the Forest of Selkirk; to this last officer were assigned a hundred armed horsemen and fifteen hundred foot-soldiers, besides the foresters, and he was enjoined to do all the mischief in his power upon the English borders.

Disappointed in his expectation of assistance from abroad, Wallace returned into Scotland. The exact period of his arrival is not known, but there is reason to conjecture that he remained upon the Continent until late in the year 1303, and that his return was hastened, if not occasioned, by the death of Pope Boniface*. Wallace lost no time in taking an active part against his former enemies, and although he does not appear to have been engaged in any official capacity†, the energy and, we may presume, the success of his exploits ren-

* He died upon 11th October, 1303. In his successor, Benedict XI., Edward found a more tractable correspondent, and the English interest soon predominated at the court of Rome.

† Trivet says he was appointed Captain of the Scottish army, but this, if correct, does not appear to have been a national proceeding.

dered him particularly obnoxious to the English. He was driven to these extremities by the inflexible and ungenerous hatred with which he was persecuted by Edward, a feeling of which, however it may be concealed or glossed over by theory or prejudice, there are abundant proofs in existing documents. Langtoft, a contemporary chronicler, whose information upon Scottish affairs is in general correct, tells us that shortly after Christmas 1303 Wallace sent a message to Edward requesting to be permitted to enter into terms with him, upon the communication of which the grim old king cursed him for a traitor, and set a price of three hundred marcs upon his head*. This vindictive spirit seems the more singular, when we observe that Edward shortly afterwards extended his clemency to others who had acted the part of traitors towards him, a charge which could not be brought against Wallace. By a treaty dated February 9th, 1304, the lives, liberties and estates of the chief rebellious Scots were spared, their punishment consisting only in fine or a short exile from Scotland, while it was expressly stipulated that "as for William Wallace, he shall render himself up at the will and mercy of our sovereign lord the King, if it shall seem good to him,"—terms which, being equivalent to an unconditional surrender, were not accepted. The same feeling of determined revenge is fully exhibited in a letter written a few weeks afterwards by Edward, of which we think it important to insert a translation.

"The King to Sir Alexander Abernethy, greeting. We have received your letters, by the which you inform us how

* Resoun nous rechace revertir a la gest,
 Treter ove les Escoz de pees saunz molest ;
 De William le Walays, ki gist en la forest
 A Dounfermelyn ; apres la saynte feste
 Du Nowel par amys au reis ad fet request,
 Ke rendre se puyse a sa pees honest,
 Saunz en sa manaye mettre cors ou test,
 Mes ke li reys ly graunt de donne, ne pas de prest,
 Bayllye honorable de boyse et de beste,
 Et par son escrit li seys et li vest,
 Pur li et pur ses heyrz en teres de conquest ;
 Ly res pur la demaunde irrez se tempest,
 A maufe li comsund, el kaunt ke sur ly creste,
 Treys centz marz promet a homme ke ly detest.
 Walays a fuyr tapisaunt se prest,
 En mores et montaygues de roberie se pest.

"you are employed in guarding the fords of the river Forth, with which we are much gratified, and therefore command you to exert all your diligence upon the same, and, if necessary, to require the assistance of William Byset, our sheriff of Clackmanan. It is our pleasure that you shall not leave your present post, either on account of the parliament* or for any other cause, until you have more fully informed us of the news, and have been made acquainted with our wishes in return. And whereas you desire to be informed whether it be our pleasure that you hold out any words of peace to William Wallace, know that it is not our will that you hold out any word of peace to him, or to any other of his company or of his coven, unless they submit in every point and in all things to our discretion, without any reservation. Dated at Kinghorn, upon the 3rd March†."

It argues little for the patriotism of Scotland that even under these circumstances the only man of note who adhered to Wallace was Sir Simon Fraser. The spirit of the people was so far subdued that few, even of the lower class, ventured to unite themselves to a leader in whose fate they would probably be involved, and the nation looked on as unconcerned spectators, or took an active part against him who but a few years before had freed them from slavery. Nothing remains to show us how the little band of patriots contrived to elude the force which it was impossible to meet, as formerly, in battle; and it is singular that the troops and the spies which Edward employed in this chase (for it had ceased to be a contest) should have been so long set at defiance by a single individual. It is gratifying to learn, from the best authority, that in this extremity Wallace's courage did not desert him; and while records prove that he was more than once defeated, the same records show that he was still active, resolute and in arms. Upon the 12th of March 1304 Edward, then resident in Aberdour in Fife, was informed that William Lord Latimer, John Lord Segrave, and Robert Lord Clifford had

* Edward held a parliament at St. Andrews about Mid-Lent, Sunday (March 17). *Trivet*, page 338.

† We quote from the original draft. The last sentence has undergone many alterations, several words and passages having been crossed out for the purpose of inserting others more definite or more imperative.

defeated Symon Fraser and William Wallace at "Hopperewe;" and His Majesty presented forty shillings to the bearer of these welcome tidings, that he might provide himself with a horse to convey letters to John Lord Segrave and John de Kingston. Upon March the 15th he gave ten shillings to John de Moskeburgh, a guide, who conducted John Lord Segrave and Robert Lord Clifford, about to make a foray upon Simon Fraser, William Wallace and others, the King's enemies, then in Lothian; and upon the same day he repaid twenty shillings and eightpence which William Hakelittel had advanced to certain Scotchmen employed near Stirling and elsewhere to entrap* the same offending parties. Wallace again encountered the English in the ensuing September, for an entry records that Edward gave sixty shillings to Thomas de Umframville in lieu of his horse, killed upon that occasion.

When a powerful sovereign is influenced by such determined hostility towards an inferior, it is not long before he finds a tool for the gratification of his revenge. We learn from the parliamentary proceedings of the day that a Scottish prisoner named Ralph de Haliburton was permitted to return home, that he might co-operate "with others of that country" who are employed to seize William Wallace, an exploit in which he was anticipated by Sir John Menteith†, governor of Dunbarton castle, assisted by an individual who is known to fame only as "Jack Short." By these traitors Wallace was captured in the house of a certain Ralph Rae in the neighbourhood of Glasgow; and being intrusted to the cus-

* *ad insidiantium*,—*erfy*.

† A feeble attempt has been made by Lord Hailes to exonerate Menteith from the share which he took in this disgraceful transaction; but Mr. Tytler has placed the subject beyond controversy, by adducing a series of quotations which show that such has been the belief since Wallace's own time. Here the inquiry should have been permitted to rest, had not the doubt, but unsupported by proofs, been revived in a recent life of Lord Napier. Although Mr. Tytler's reasoning still appears to us conclusive, we add the following decisive authorities for the benefit of sceptics. An entry in one of the Arundel MSS. not later than the year 1322, states that Wallace "*captus erat in domo cujusdam Rowe Ra per dominum Johannem de Menethet*;" and amongst the Exchequer Records is preserved a minute of proceedings of the English Privy Council held before 23rd September, 1305,—consequently within a month of Wallace's execution,—in which are memoranda of rewards to be given to those who were instrumental in his apprehension. Amongst these occurs the name of the traitor Menteith, with a grant of land, to the annual value of one hundred pounds.

today of John de Segrave, he arrived at London upon Sunday the 22nd of August, 1305. In the narrative of an eye-witness, yet preserved amongst the Additional Manuscripts in the British Museum, we are furnished with a minute account of the proceedings which Edward adopted towards one whose patriotism should have secured a better fate. On the following day Wallace was conducted in a species of triumphal procession from a house in Fenchurch Street, in which he had been lodged, to the great Hall at Westminster, then, as now, a court for judicial proceedings. He was there seated upon an elevated bench, a garland of laurel was placed in derision upon his head, and, although his sentence was predetermined, the English Justinian considered it necessary to preserve at least the form of a trial.

Upon the eighteenth of August a special commission had been issued to John de Segrave, Peter Mallory, Ralph de Sandwich, John de Bauquelle, and John le Blunt Mayor of London, appointing them, or any three of them, Justiciaries for the trial of Wallace according to the ordinance enjoined to them by the King*. The indictment, drawn up apparently by Peter Mallory, sets out at considerable length the crimes of which Wallace was guilty in the eyes of the King of England. It assumes that Edward having conquered Scotland, and having received the homage of its nobility and prelacy, the whole body of the people became bound to receive him as their liege lord,—premises which, if granted, necessarily led to the condemnation of Wallace as a traitor. Having recapitulated the measures which the conqueror adopted to secure the internal quiet of his newly acquired province, it states how “William Wallace, forgetful of his fealty and allegiance,” attacked the English officers, killed William de Hesellegge, sheriff of Lanark, while holding a county-court, and, growing bolder by success, captured many towns and castles and put their garrisons to the sword. It informs us that he issued writs and summonses to Parliament as if he were the Superior of Scotland; and that, in his

* “Juxta ordinationem vobis per nos inde injunctam.” Writ, dated Raurethe, 18 August, 23 Edward I. The words are peculiar, and seem to imply that Edward had condescended to instruct his Justices how to proceed as well in the trial as the sentence.

iniquity, he counselled the barons and clergy to place their country under the protection of the crown of France. Passing over the account which it gives of Wallace's invasion of the northern counties of England, and the defeat which he sustained at Falkirk, we find it here stated, that immediately after this latter event he was required to submit under a promise of mercy; and that having contemptuously refused the offer, he was in consequence denounced a felon and an outlaw. And since it is inconsistent with the laws of England, continues this memorable document, that one so circumstanced should be permitted to make any defence, or even to reply to the charges brought against him, it is given for judgement that the aforesaid William Wallace shall be dragged to the Elms and shall there be hanged and beheaded, that his heart and entrails shall be burnt, and his trunk divided into quarters, of which one shall be exhibited at Newcastle, one at Berwick, the third at Stirling, and the fourth at Perth,—a sentence which, with all its disgraceful and revolting particulars, was carried into full and immediate execution. Thus perished Wallace, a martyr in the cause of liberty, unpitied by his enemies, betrayed by his countrymen. But while his own age was unable to appreciate the motives by which he was influenced, succeeding generations have united in doing homage to his character, and there is not a page of her history to which Scotland turns with deeper veneration than that which is inscribed with the name of William Wallace.

Nor is this feeling misapplied; all that we have seen shows that in Wallace there is much to command respect as well as admiration*. He made a bold and hazardous attempt to free a poor and a disunited country from the thralldom of a rich and a powerful neighbour; with resources apparently the most contemptible he overthrew an establishment which had been planned by a sovereign of great political experience; he succeeded in uniting factions the most discordant, and in directing

* It has been objected that Wallace was cruel, and such was probably the case; cruelty was the vice of the age, and in his invasion of Northumberland he may have been led even to the perpetration of those severities which are recorded by the English historians;—but what shall be said in extenuation of those studied barbarities which Edward planned and executed in cold-blooded revenge upon Wallace when unarmed and a captive?

them to a point which seemed to be inconsistent with their interests; and, although he was defeated at Falkirk, it must not be forgotten that his troops were weakened by treachery, and that he was opposed to an English army led by Edward in person. In the height of his fortunes he did not avail himself of the claims which he undoubtedly could have exercised upon popular gratitude; he disdained to make his public services the means of aggrandizement for himself or his family, and his is a rare example of disinterested patriotism unrewarded by titles or by riches. But was Scotland thus insensible to the blessings which for a time he secured to her? Were there no honours with which she could dignify him, no gold which could be offered, no estate which could be added to his scanty patrimonial possessions? It is impossible to believe but that, in the ebullition of national gratitude after the victory of Stirling Bridge, he might, had he chosen, have been the richest or the most powerful individual in the nation; but he rejected all, and satisfied himself with the unostentatious and profitless title of "the Leader of the army of Scotland." Bruce fought for a crown, a crown moreover which had been adjudicated by the voice of his countrymen to be the right of another; Wallace acted from purer motives, and continued the supporter of Baliol's title at a time when his own pretensions might have been advanced with every appearance of success. His character seems indeed to have approximated to the dream of the poet,

A soul supreme in each hard conflict tried,
Above all pain, all passion and all pride,
The frown of fate, the blast of public breath,
The love of lucre, and the dread of death.

Nor is the contemplation of this history without its own moral lesson. We gather from it that, however oppression may succeed for a time, a period must arrive when resistance is inevitable, and that the agency of one single master-spirit, called into existence by the circumstances in which it is placed, is enough to direct the energies of a nation.

Having made these statements, we leave it to our readers to form their own conclusion upon the question at issue between the two parties. This, we apprehend, will be a matter of no great difficulty. We believe the theory which stigmatizes

Wallace as a robber and a traitor, which lauds the humanity of Edward, and palliates the conduct of Menteith, to be unsupported by facts or probability; and after an unprejudiced and patient examination of evidence, hitherto unknown, we find ourselves obliged to coincide with the views which had been previously adopted by Mr. Tytler.

The length which our remarks upon this subject have somewhat unexpectedly attained, prevents us from entering into any of the other circumstances by which our attention has been arrested in our progress through Mr. Tytler's subsequent volumes. We have read with deep interest the exploits of Robert Bruce during the first few years of his reign, when, literally hunted by his enemies, he was compelled to lay aside all kingly state and to assume the character of a knight-errant. We have often mused, hour after hour, over the fascinating pages of old Barbour, a writer whose minuteness of detail and individuality of character will bear a comparison with Froissart, and whose repulsive orthography alone prevents him from assuming the highest rank in our early poetical literature. We have associated ourselves with Bruce from the time when, after the battle of Methven, he took refuge in the Highland mountains; we have followed him through the long series of his perils and his trials, and having witnessed his bearing upon the field of Bannockburn, we have exclaimed with the Archdeacon of Aberdeen,

Oh! freedom is a noble thing,
Freedom makes man to have liking;
Freedom all solace to man gives,
He lives at ease that freely lives.
A noble heart may have no ease,
Nor elles nought that may him please,
If freedom fail; for free liking
Is yearned over all other thing.
Nor he that aye has lived free
May not know well the property,
The anger, nor the wretched doom,
That is coupled with foul thraldome!

But in the reign of Bruce's son, a weak and vicious prince, the interest flags, and under the rule of the first of the Stewarts the historian has to content himself with recounting the uninteresting particulars of petty skirmishes between the

Lords Wardens of the Marches, or to analyze treaties which, if carried into execution, did not contribute essentially to alter the political importance of Scotland. The reigns of the second and third James form one of the most obscure periods in Scottish history; without state papers, almost without chronicles, we must remain ignorant of its transactions, nor does it appear to have been distinguished by events likely to excite much interest or to afford much instruction. Under James the Fourth a marked improvement is perceptible; his court might compete in splendour and refinement with that of his contemporary and father-in-law Henry the Seventh; he was the patron of the fine arts and of printing; he introduced from the continent many of the elegancies of civilized life, to which until then Scotland was a stranger; while the attention which he bestowed upon his navy, the projects which he formed for the amelioration of the Highlands, and his reformation of the abuses which impeded the administration of justice, show that, although addicted to pleasure, he was capable of assuming the direction of public business. With James the Fifth we enter upon a new scene, exchanging the "gloamings" indistinctness of verbose State papers and meagre chronicles, for the light which sparkles from the private correspondence upon which, from this point, Mr. Tytler's history has the merit of being founded. The pages lose the smell of mouldering parchment of which they recently savoured, details of breathing life and real manners are now brought before us, and we mingle with freedom in transactions which, after a lapse of three centuries, are again presented in their undisguised elements to our inspection. As we advance the subject gains upon us; the regency of the Queen Dowager, the progress of the Reformation, the character of Knox and the policy of Elizabeth are brought out in bold relief; and Mr. Tytler, having contrived to interest us deeply in the fortunes of Mary Stewart, leaves us at the very moment when we were most anxious to retain him in our company. We must not be selfish however; we are aware that to collect the materials necessary for another volume is not the work of a day, and that much midnight study must be undergone before the results can be given to the public; we have only to recommend Mr. Tytler to persevere as he has begun,

and to add, in conclusion, that we shall always be happy to renew our acquaintance with a writer, whose zeal, judgement and integrity have so far advanced the progress of sound historical inquiry.

ARTICLE VI.

1. *Debate in the House of Lords upon the Earl of Radnor's Motion for a Commission of Inquiry into the Statutes, &c. of the Universities of Oxford and Cambridge.*
2. *Debate in the House of Commons upon Mr. Pryme's motion for a Commission of Inquiry, &c.*
3. *A Historical Account of the University of Cambridge and its Colleges; in a Letter to the Earl of Radnor. By BENJAMIN DANN WALSH, M.A., Fellow of Trinity College. Ridgways: London, 1837.*

THE tone of feeling in which the question of reforming certain abuses in our two great Universities has been approached by both parties, appellant and defender, is painful in the extreme to all those who look upon those institutions as necessary to the moral and intellectual greatness of England. On the one hand we have heard them openly railed at as demoralizing, bigoted and outworn establishments, which arose during periods of darkness and rude violence, and now continue only to perpetuate the abuses of the times to which they owe their origin. Those who ignorantly or maliciously put forward this charge exult in Mr. Sewell's dictum, that Oxford exists only to oppose the follies called "the Spirit of the Age;" and taking their stand upon some acknowledged but partial evils in the system, call upon the "Spirit of the Age" to sweep away that which exists only to oppose it.

If on the other hand we listen to the defenders of these venerable antiquities, we learn that they are the sole depositories of sound religious light and honest political feeling; that they are the bulwarks of the Church of England, and by consequence the pillars of Christianity itself; and, to sum up

all, that it is to them and to their activity that we must look for means to stem the torrent of Radicalism, Infidelity and Papistry (the present Tory and Clerical *Petio-Ossam*!) which are about to overflow the land. Amongst the vast and active masses of our population it was natural that we should find much discontent expressed against the exclusive nurseries of the aristocracy and the Church, little known without their own precincts, and on that very account likely to be misunderstood and misrepresented, looked upon with suspicion, fear and hatred. But in the two Houses of Parliament, a majority of whose members are indebted to the Universities for a portion at least of their intellectual training, it might have been supposed that the case would be different, and that *there* some knowledge of the tendency and nature of these institutions would be displayed. Yet even there we fancied we detected traces of uncompromising hostility to the establishments in more than one of the speeches delivered by liberal members; while we confess we were disappointed and mortified by the want of accurate views of the real bearings of the question, the extent and causes of the evil, manifested by a majority of the speakers on both sides. The attack was carried on with vigour by several members; the note of praise, indiscriminate and (in fairness we must say) unblushing praise, was raised by the Bishop of Llandaff in the Lords, and by Mr. Goulburn in the Commons; Dr. Copplestone being evidently determined to break a lance against all comers, and at all risks, in defence of the purity of the body, one of whose ornaments he was; and Mr. Goulburn, moved by gratitude or duty, or the fervent sense of benefits to come, to undertake the defence of the academic corporation whose talent and energy he nominally represents. We shall not wrong either of these distinguished men by expressing our conviction that the purest toryism was also one of the *vires motrices* on the occasion, and that the opportunity of abusing a measure to which His Majesty's Government were thought to be not altogether unfavourable was looked upon as far too good to be let slip.

The motion for a Commission to inquire into the present state of the Universities was grounded by Lord Radnor in

the Upper, and by Mr. Pryme (M.P. for the town of Cambridge, and formerly a professor in the university,) in the Lower House, upon the notorious and constant violation of the statutes, their obvious inadequacy to fulfill the ends which at this day are expected from the chief seminaries of English education, and upon the incompetency or disinclination of the corporations to reform themselves. It was asserted that the distribution of fellowships in the colleges was vicious, if not illegal; that the constituted authorities had usurped powers which it was never intended to intrust into their hands; that the colleges had, by a series of arbitrary and unconstitutional enactments, become converted into nursing-beds of intolerance and indolence; and finally it was argued, that the reckless extravagance with which *oaths* were lavished upon various occasions, was anything but calculated to raise the moral standard of the student, even supposing for argument's sake that these oaths were not in a majority of cases intended to be broken. These charges called up a host of lords and gentlemen, clerical and lay, who with the utmost gravity proceeded to assert,—first, that it was very improper for Parliament to interfere with what was the business of the official visitors, and that the universities and colleges both could and would reform themselves: secondly, that neither parliament nor the visitors, nor any one else, had any power whatever of interfering, and that the colleges and universities neither could nor would reform themselves. Lastly, on a second debate in the same noble House, it was agreed that Lord Radnor's motion should be withdrawn till it should be seen what steps the two universities would of themselves take towards making those alterations which, upon high authority, it was stated that they had neither the right nor the power to make.

It is recorded of Gargantua, in the most veracious of histories, that when a youth, he employed himself in carrying water in sieves, setting oxen to catch hares, shoeing goslings, fishing for whales in teacups, hunting needles through haystacks, and the like; but the history saith not whether these his business-like habits raised his character and credit much among those whom he was called upon to govern: we may thank the House of Peers therefore for giving us similar data

for solving the intricate problem, how far a people may be inclined to bear with such comical recreations of their hereditary rulers.

In the very satisfactory state we have described, the question was left by their Lordships, in spite of the efforts of Lords Melbourne, Lansdowne and Holland, who supported the noble Earl's motion. In the Commons Mr. Pryme withdrew his, upon the understanding that the expediency of issuing the Commission moved for had better be left to the determination of the Crown, that is, of the responsible advisers of the Crown, the Ministry. Though several speeches were made before this result was come to, the Chancellor of the Exchequer was the only person who appeared disposed to grapple with the question in the right spirit: admitting the necessity of many reforms, he still rejected all hostile tampering with the Universities; a course which not only renders the desired results somewhat more practicable, but shows also a good deal of Christian charity and forgiveness on the part of the Right Honourable gentleman, who well knows that, if he was not beaten in two elections for the town of Cambridge, it was neither for want of open nor underhand efforts on the part of the University*. At all events we feel that something of a pledge has been given, and therefore earnestly hope that steps are in contemplation, by which the great bodies to whom the future destinies of this land are in some sort intrusted may be compelled to discharge their lofty trust with a little more regard to the objects for which it exists, and a little less nervous and exclusive anxiety for certain private interests of their own, or, to speak more strictly, the private interests of certain individuals of the body.

In order to prepare our readers for the discussion of the question when it shall be fairly brought before the country,

* We need not recall to Mr. Spring Rice's recollection a protest, among the signatures to which were found almost all the names which make Cambridge still venerable. But that such a protest "against undue, illegal and immoral interference with the freedom of election on the part of the University" should have been called for at all, points pretty significantly to one of the mischiefs which must be remedied; while the occasion on which it was found necessary leads to a shrewd guess at one of the causes of the mischief to be removed. The Church was of course "in danger," as it has been very frequently of late,—from its own members!

we propose to devote a few pages to the English universities, their past and present state, and the reforms which are required to make them really the *Almæ Matres*, and not the step-mothers, of the generations that are to come; and as the subject is one of great extent, and the evils complained of are different both in degree and kind at the two universities, we shall confine ourselves for the present to the University of Cambridge, reserving for a future occasion her academical sister,

Though last, not least in love.

With the peculiar provisions of Lord Radnor's proposed Bill we do not mean to deal; good or bad, wise or foolish, it has shared the fate which the peers seem to have reserved for every measure of reform: and when its successor comes, as come it will, it will on that very account be of a stronger, completer and more searching character; for the more you dam up a stream, the greater is the volume of water to rush down; the more you bend back a spring, the sharper its recoil. Nor do we advocate the views of those who can see nothing but mismanagement, knavery and abuse in these ancient institutions. We are no enemies to the Universities, but, as we hope, sincere and earnest friends: we shall not be found among those who would condemn them to indiscriminate censure; yet just as little do we range ourselves with those whose wide consciences can allow them to describe those same institutions as the perfection of human wisdom, and who, if anathemas could do it, would wither the sacrilegious hands that are put forth to touch their "Ark of the Lord." With both of these classes of persons we are irreconcilably at variance:

"Tros Tyriusve mihi nullo discrimine agetur.

We look upon each as equally honest and misinformed, or equally aware of the truth and dishonest; and as we know that the truth cannot and must not be served by the putting forth of falsehood, we hold it our bounden duty to step forward against the virulent supporters of both extremes; saying to the one, "There is much good in what you indiscriminately condemn;" to the other, "There is much evil in what you indiscriminately defend;" to both alike, "This is too weighty and important a subject to be forced into the service of your

"mean and little party warfare: Hence, avaunt! 'tis holy ground!"

And before we enter upon the consideration of what is, and what ought to be, the object for which our Universities exist, we feel it incumbent upon us to clear away a misconception which seems very generally to prevail with regard to the similar establishments in Germany, so often and so improperly selected as standards of comparison for our own. And the remarks which we are about to make may be prefaced by an extract from Mr. Walsh's pamphlet respecting freedom of study.

"But it will perhaps be said in reply, 'This sounds all very well in theory, but in practice it could never answer!' Well then, look at the way in which other universities are conducted. Hear what Mr. Robinson, an American, and therefore an entirely unprejudiced witness, says of the German students, 'who are allowed to attend *what lectures they please, and as few as they please.*' 'The great body of them,' he observes, 'are engaged in a course of silent, persevering study. As a general rule they not only all take notes of the lectures, but mostly write them out in full. They are exceedingly punctual; and the few minutes previous to the entrance of the Professor are usually devoted to mending their pens and putting their papers in order. This is accompanied by a general whistling and buzz of conversation. The moment the Professor enters, all is hushed; he begins immediately to read, and they to write; sometimes without interruption till the striking of the clock. In this way they hurry from one lecture to another, and it is not uncommon for them to attend five or six every day. There are not wanting instances where a student has in this manner been present at *ten* different courses; but this is quite rare. They very generally review at home the lectures thus written down, and read or consult the books referred to by the Professor*.' At the Scotch Universities, too, it is entirely left to the good sense of the young men whether they choose to frequent the lecture-room or not; and yet it is not found that any of them make a practice of absenting themselves. Unless therefore it can be proved that the minds of human beings in England are differently constituted to those of similar beings in other countries, we are compelled to allow that the antecedents being the same the consequents must also necessarily correspond."—Pages 71, 72.

Mr. Robinson and Mr. Walsh are alike in error: in German universities attendance upon the lectures is enforced, and that with ten times the strictness that prevails, or did prevail, at Cambridge, though not exactly in the same way. The German universities differ from our own in being professional schools,

* Robinson's *Concise View*, &c., part i.

in which the studies requisite to the practice of those professions by which a livelihood is to be gained are severely pursued. Attendance upon lectures is enforced by the peremptory rejection of every candidate for a degree or a place (and all professional men in Germany are placed by Government,) who cannot produce certificates of diligent study from the various professors. It is clear that Mr. Robinson never saw a professor's study-door at the end of the *Semester*, besieged as it is with hosts of students waiting for the *Scheine*, or attestations of attendance, without which their *Supplicat*, or application to be admitted to an examination, would be mercilessly rejected in every university.

Travellers spending a few months in Germany, with the laudable intention of writing books upon all they see and all they do not see, all they understand and all they do not understand, are very apt upon arriving in an university town to inquire of their host or valet-de-place who is the most celebrated professor in the place, and they are as a matter of course informed that it is Hofrath This, or Doctor That. To this gentleman's lecture-room they then pay a flying visit (technically *Hospitiren*), and are naturally highly edified by the numerous attendance, strict attention and diligent finger-labour of the students. But all persons who know the German universities know that a certain class of studies pass by the name of *Brot-studien*, bread-studies, or studies by which men are to gain their bread. All persons who know these universities are also well aware that these are almost the only studies pursued at all; and we will venture to assert that the rooms which Mr. Robinson saw in so busy and crowded a state were those in which the lectures on LAW were given. The *auditorium* of a distinguished physiologist like Blumenbach, or of a celebrated theologian like Schleiermacher, will also be crowded by persons who have devoted themselves to physic or divinity: but let Mr. Robinson ask any professor, ordinary or extraordinary, whose subject does not fall within the class described, what is the average number of his hearers; the answer will be little in accordance with the opinion generally entertained on the subject of German zeal for knowledge. A few stray students may indeed come together in his rooms, but it will be found that they are men who have devoted them-

selves to an university life, and are qualifying themselves to become professors in philology, metaphysics or mathematics, as the case may be. Or the professor may chance to keep a pleasant house, have handsome daughters and give agreeable balls and suppers,—circumstances which occasionally lead to stricter attendance at his lectures. We ourselves were one of *four* pupils who followed the philological course of a celebrated professor in Munich; and of the remaining three, one was an Englishman, acting under the same inducement, and as little connected with the university, as ourselves: of the other two, one was a young doctor of independent property and some idle time; the fourth a rich and liberal Bohemian, who by studying at a foreign university had forfeited all hopes of public employment in Austria, and who connected his generous aspirations after the future with the noble recollections of the past. Schlegel read the *Nibelunge Not*, the national epos of Germany, to five students, and Massmann expounded Grimm's German Mythology to seven, one of whom was a foreigner.

It is true, that courses of lectures given *gratis* (*publicum*), and on amusing subjects, (as travels in the East, the origin of universities and the like,) are somewhat better followed; we have seen nearly two hundred students in Professor von Martius's lecture-room; but then he was delivering one of the most interesting narratives that can be imagined, the account of his own long residence among the Red Indian tribes of South America: to these lectures students crowded much as the Parisian *badauds* do to the theatre, when the Government orders a representation free of expense, and with just the same motives. Fashion, the overwhelming reputation of an individual professor, or a mysterious and hierophantic mode of treating questions of religion and philosophy, may here and there have produced similar results; but the cases are exceptions to the rule: and in truth are not Niebuhr, Otfried Müller, Hegel and Schelling to be looked upon as exceptions among their class?

We should not have introduced these remarks into this place, but for our conviction of the necessity of clearly pointing out the radical distinction between the English and German universities. The latter profess to give, and do give, that instruction which is necessary in nearly every walk of life ex-

cept mining and the military career; and these are only excepted because it is impossible to teach them in lecture-rooms. But the future statesman must study language, finance, history and political economy (*Kameralistik*): the lawyer, the physician, the theologian must all qualify themselves at the university for their future profession, and if they fail there they fail for ever: they cannot freely pursue their course; they are all dependent upon some Government or other for permission to practise what they have learned, and their university character is nearly decisive as to their chances of success. In most (we believe in all) cases the academical degree is indispensable.

The English universities, on the contrary, are not, and ought not to be, professional seminaries, save in the solitary instance of the clergy. The law is learned, not on the banks of the Cam or Isis, but in the chambers of the London conveyancer or special pleader, and in the Courts at Westminster: no academical distinction can save the future barrister from entering as a humble student in one of the Inns of Court. Downing, now governed by a clergyman, gives no lectures upon the Laws of England, or has no undergraduates to hear them; and Dr. Geldart's course on the Civil Law, listened to here and there by an intending practitioner at Doctors Commons, is more generally looked upon as a refuge for those who shrink from the harmless terrors, the *bruta fulmina*, of a Poll examination in Arts. Oxford and Cambridge, it is true, still continue to grant the medical degrees of Doctor, Bachelor and Licentiate; but the studies which entitle the candidate to claim, are notoriously not pursued within the precincts of the bodies which confer those distinctions; and which insist upon retaining their privilege, less perhaps for the sake of the fees, than in the laudable anxiety to prevent the cure of bodies from falling into any hands whose orthodoxy will not stretch so far as to the subscription of the Thirty-nine Articles. As to the clergy, they have no other seminaries, and it is therefore to be presumed that their education is gained in the universities,—a point to which we shall return on a future occasion.

It is here that we first meet with one class of objectors,—a large and respectable, yet not the less mistaken class. They

are the persons who condemn the nature of the university studies, because they are not professional; the class who like *useful* learning, and would gladly see a chrestomathic system established in place of the lumber of Latin, Greek and Mathematics, which are of no *use* to a young man on entering into life. This is the class who value learning according to the amount of material produce which it may be made to yield; who measure education by the number of pounds, shillings and pence which it may have cost, and the number of pounds, shillings and pence which it will fetch in the market. Such a person is never reconciled to the existing order of things till his son or nephew attains a fellowship, the proceeds of which serve to justify his wasting time upon Latin and Greek.

Lord Bacon thought otherwise, and we believe justly. In the opening of the second book on the Advancement of Learning, he who of the moderns lays most just claim to the title of "*il gran maestro di color chi sanno*" thus expresses himself:

"Amongst so many great colleges in Europe I find strange that they are all dedicated to professions, and none left free to arts and science at large. And this I take to be a great cause that hath hindered the progression of learning, because these fundamental knowledges have been studied but in passage. For if you will have a tree bear more fruit than it hath used to do, it is not any thing you can do to the boughs, but it is the stirring of the earth, and putting new mould about the roots, that must work it."—*Adv. of Learn.*, book ii. Vid. *Montagu, Life of Bacon*, p. xi. and note K.

So deeply, says Montagu, was Bacon impressed with the magnitude of this evil, that by his will he endowed two lectures in either of the universities, by "a lecturer, whether "stranger or English, provided he is not professed in divinity, "law or physic."

How clearly he saw the real use and object of university education appears from the following passage from the same book:

"If men judge that learning should be referred to action, they judge well; but in this they fall into the error described in the ancient fable, in which the other parts of the body did suppose the stomach had been idle, because it neither performed the office of motion, as the limbs do, nor of sense as the head doth; but yet notwithstanding it is the stomach that digesteth and distributeth to all the rest, so if any man think philosophy and

universality to be idle studies, he doth not consider that all professions are from thence learned and supplied*."

Bacon thus distinctly charges the system of his day with being too professional. Mr. Priaulx, in the opening of a deep-thoughted and noble-spirited book on National Education, thus defines what education is :

" EDUCATION denotes everything which furthers or affects the development and formation of the character, mental and bodily.

" EDUCATION is SYSTEMATIC or ACCIDENTAL.

" EDUCATION is 1. SYSTEMATIC, and is a science or an art, as it refers to principles or their application.

" SYSTEMATIC EDUCATION is the development of some or of all man's powers, for the attainment of a special or a general end. In the former case it may be termed *partial*, or sometimes *professional*; in the latter, *general* education.

" But *general* or *rational* education has for its object the formation of a rational character, i. e. one whose powers are fully developed, and whose actions are under the rule and guidance of a rational will. Partial or even professional must therefore be subordinate to, though it may accompany, and should certainly forward *general* education."—Pages 1, 2.

We hold, and we do not doubt that Mr. Priaulx agrees with us in this, that nothing is more subversive of that balance of the imaginative, intellectual and animal powers which is essential to the full development of man, than the sort of education which we call professional or special; above all in such a country as England, where each man is compelled to fight his own way up to eminence among active and numerous competitors. If pursued alone and exclusively, it destroys the remaining faculties, like an enormous wen, drawing to itself the nourishment which should have spread equally throughout the frame. Then only can it be harmless, when subordinated to and superinduced upon a wider, more general and generous system, harmonizing indeed with all forms of special education, but confined within the limits of none. It

* It is painful to think that so many of the errors which Bacon signalised in his time should still remain to be signalised in ours. The defects he notes are : 1. That colleges are all dedicated to professions. 2. The salaries of lecturers are too small. 3. There are not sufficient funds for providing models, instruments, experiments, &c. 4. There is a neglect in the governors of consultation, and in the superiors of visitation, as to the propriety of continuing or amending the established courses of study. 5. There is a want of mutual intelligence between different universities. 6. There is a want of proper rewards for inquirers in new and unlaboured parts of learning.

is this education which the English universities profess to give; and all their errors arise from their losing sight of this, the real object and sole justification of their existence.

The end of all education, to use Mr. Coleridge's words, is "the formation of the manly character;" that character which was exemplified in the great scholars of earlier days, the men "theorick and practick," the Petrarchs, Cervantes', Sidney's and Surrey's of Europe in the olden time, before one muse was allowed to overlay and choke her sisters. These were complete *men*; neither complete soldiers nor complete scholars, but a much higher thing than either soldier or scholar, taken alone, can ever be. Their studies were cyclic; and the result of their cultivation of the imaginative and the intellectual faculties, as well as the physical powers, was that they became "full men." The end to which they looked was the development of their character as men; not the attainment of a given amount of philosophy or classical knowledge, or a certain mastery over their horse and weapons. These things were means to a lofty end,—never the end itself.

The outward circumstances under which this mental and moral discipline was persevered in have changed with the changes in the political and social scheme of Europe; but the principle ought not to have been abandoned, and might easily have found means to exert its influence. Unhappily, both in our schools and universities, the *end* has been almost entirely lost sight of, and the *means* have been erected into an end; we have forgotten the god, and fallen down and worshiped the temple. Most unhappily we have been betrayed into this idolatry by a degrading and detestable motive, and one whose shadow should never have been allowed to darken the sanctuary,—idolatry to the means has been rendered gainful; an evil hierarchy have made the service of the shrine a source of profit, and from this root of selfishness the poison has spread through every branch both of our school and university scheme.

The wisest of the Greeks, who better than any race that ever existed knew the meaning of education, (as the drawing out or development of the human character, physical and intellectual,) placed the perfection of the system in the harmonious blending of the mental with the corporeal, the *μενοειν*

with the *γυμναστική*. The same idea pervaded the great scholars of our own middle age, and Milton was as good a fencer as he was a distinguished Greek and Latin scholar, and performer on the organ to boot. A great mischief of our times is the attempt to destroy one branch of this education, viz. the gymnastic. Fathers found out that too much cricket and boating was allowed at school; the success of a few young men, *crammed* with classical knowledge long before they set foot in the universities gave rise to a false point of honour, even if it did not put worse motives in play, and thus the last ten years have sufficed to strike a fatal blow at the whole system of school education. Learning is now become the sole object, and the whole generation will suffer for it; it is a concealed, but not the less dangerous, approach to the chrestomathic system. For this evil course Cambridge is deeply responsible,—much more so than Oxford. The nature of the inducements to study held out before the young men of the former establishment tends directly to produce the mischievous effects which we deplore. The foremost of these is the personal emulation encouraged by all the means which the university possesses. The love of *excelling*, not the love of *excellence*, is made the basis of our studies; we struggle, not to obtain a certain eminence, a certain honourable distinction, but to beat a certain person or persons; and the slang of the race-course is applicable to the contest of the Senate-house. Our studies, as a necessary consequence, are limited to those subjects which will most compendiously answer this end; and the result is equally obvious: the end once answered, the studies themselves are in nine cases out of ten shuffled off, abandoned and forgotten. The excitement of victory once over, there remains nothing behind but the dreary consciousness of possessing a power which we attained for a temporary and unworthy end, and which we purchased by the sacrifice of much valuable time, perhaps of some valuable qualities, which might have helped to form us into useful members of a State, and must have helped to develope in us the higher attributes of men. Let no one be surprised at this; if you water the tree with poisonous liquids, you cannot wonder that its leaves are sickly, its fruits withered and bitter.

But this is not all: by way of destroying as much as possible

the generous feeling of youth, we have attached to this personal struggle a prize whose attainment becomes almost necessarily an absorbing object of interest; we make a certain income depend upon the success of the candidate. Mark now the wide-spreading ramifications of evil. The schoolboy intended for Cambridge becomes habituated to the consideration of a fellowship as the goal towards which he is to strive, and which he can only attain by passing over the necks of his competitors; this becomes the sum and summit of his hopes and wishes. He is sent up to the university deep in the technical part of scholarship, well acquainted with all the *passages* likely to be set in examinations, practised in the writing of alcaics or the building up of Greek iambics; master of the letter, but not imbued with the spirit of the great authors of antiquity; sacrificed to a *professional* or *special* education of the narrowest kind; stunted in mind, old before his time, and without having developed those physical qualities, the complete education of which is essential to the completeness of the intellectual, without which you may be a book-worm, but never dare hope to become a man. It is here that we shall venture to appeal to our experience of the German universities; the exclusive pursuit of literature (taking it in its wide sense, as embracing all university pursuits,) as a profession, the unbroken labour called for by the immense concurrence of competitors, the early devotion to learned inquiries, have there produced their wretched effects in full. The Germans are become the most learned men in the world, but the least manly, the least capable of being members of free and independent communities. Moreover, as a general rule, to which there are few exceptions, beyond the limits of his own peculiar study (*Fach*) the German professor is profoundly, nay ludicrously ignorant. The despots of the country encourage this fatal disposition, this undue exaltation of book-knowledge; they well know that it makes pliant instruments; while the first endeavour of those generous but mistaken men, who dreamed of the regeneration of Germany, was to encourage among her students a love for athletic exercises. They failed, not because the regeneration was a dream, but because they and the instruments they had to work with had been brought up to be dreamers.

There is another grievous evil which results from this hot-

bed system. Every year now sends up to Cambridge ten or a dozen young men almost capable of entering the classical lists with the best of the resident graduates; with these scholars competition is soon felt to be hopeless, and many a young man, highly capable of distinguishing himself, is repelled from a career in which he is assured that he is from the very outset overmastered. Were he examined, not against individuals, with a view to the first, second or third *place*, but against a certain standard, as at Oxford (first or second *class*), this mischievous result would be avoided, and with it the irregularity or profligacy which are so often and so naturally its consequences; for the minds of young men will not remain in idleness and inactivity; take away useful occupations, and they will assuredly rush upon those which are prejudicial. As long too as the universities are the resort of men of various intellectual grades, and various amount of income, it will be doubly dangerous to drive the active and stirring spirit from a lofty pursuit, and expose it to seductions, hazardous alike in a temporal and in a spiritual sense.

How much more strongly these remarks apply to the noble and wealthy students in general it is needless to say; and though we joyfully bear witness to the distinctions attained of late years by some of the aristocratic members of Cambridge, we look upon the far greater number of such cases at Oxford as mainly referable to the difference in the systems described.

The two divisions which exhaust the whole range of the *musical*, as contradistinguished from the *gymnastic* part of education, are the intellectual and the moral scheme of discipline; the intellectual being here taken to involve not only the logical, or mere cultivation of the understanding, but also the æsthetical or imaginative faculty, which develops the feeling and love of beauty. We shall extract some remarks of Mr. Walsh upon the Cambridge plan of intellectual discipline; the moral he, in common with almost every one who has written upon the subject, leaving nearly untouched:

“ If we take a review of the state of the sciences at the present day, we may divide them, I think, naturally into three great classes.

“ 1st. The sciences of Hypothesis, viz. Pure and Mixed Mathematics, which consist of long and refined trains of reasoning, founded on a few

suppositions relative to number and magnitude. In the case of Mixed Mathematics, or Natural Philosophy, the truth of certain laws is also assumed, which are concluded by a process of induction to prevail in the world we live in. Still, as those laws merely form the basis of the subsequent reasonings, the reasonings would equally follow from the premises, were part of the hypotheses found not to agree exactly with experience, or were the laws of nature to be suddenly altered. And in this sense the *whole* of Mathematics is essentially eternal and immutable, and must be equally true in every state of existence.

" 2ndly. The Natural Sciences, which are generalizations of an immense variety of circumstances not subject to our control, which we observe to prevail in the world we live in, but which there is no proof prevail in other remote systems. They may, perhaps, be divided for convenience' sake into three subordinate groups—

" A. Those relating to the human race considered collectively and individually, as the sciences of History, Statistics, Political Economy, Ethics, and the History of the Human Mind.

" B. Those relating to inferior organized matter, as the multifarious branches of Natural History.

" C. Those relating to unorganized matter, as Chemistry, Mineralogy, Geology, &c.

" All these sciences consist of little but bare inductions from facts, without any elaborate superstructure formed by the reasoning powers. They would therefore be *partially* false, were part of the laws assumed to exist found to be inconsistent with reality, and *totally* false if the system of nature were suddenly changed by the fiat of the Creator.

" 3rdly. The conventional sciences, which are imperfect generalizations of circumstances that are dependent upon the fancies of the human race, and actually do vary most essentially at different periods and amongst different nations. Such for instance are Architecture, Languages, and Laws. Properly speaking, the modern induction cannot be applied to these subjects, because we cannot here conclude, from observing a circumstance to prevail in ninety-nine cases, that it will also prevail in the hundredth. Although nature may be safely assumed to be invariable and constant in her operations, yet nothing is more inconstant and inconsistent with itself than the human will. These sciences therefore—if they can be considered to deserve that name—can only be said to be true, as far as we have actually ascertained them to prevail by experience. And as it is impossible to reduce the majority of the facts to general laws, from the capriciousness of arbitrary usage, the exertion of the memory requisite to retain them becomes much greater.

" It will thus be seen that, of these three grand classes, the first calls the reasoning powers principally into action; the second, the powers of generalization and induction; and the third, the memory. Why is it that the first and third are to be exclusively cultivated by young men of talent to the neglect of the second? Is it that the power of induction itself is of no importance, and not worthy of being roused into vigorous action by the stimulus of academical patronage? Few persons at the present day

would venture to assert this. Are the sciences then on which it chiefly employs itself so trifling and so useless, that they are not fit to be received into the scheme of academical education? None but those who are blind to the wonderful and interesting discoveries made in them of late could advance such a position. The only reason that I can perceive is the very recent period at which most of them have been called into being. The spirit of innovation has always been most loudly deprecated in our Universities, and there is no place where the attachment to old usages is so strong. But these are not times in which it is safe to remain far in the rear of improvement. When the tide of public feeling sets so strongly in favour of reforms, political, civil, and ecclesiastical, the swimmer who attempts to stem it will be overwhelmed in its waves."—Pages 103—106.

The excellence of mathematical study, as developed in the first class of sciences here enumerated, is obvious, and points it out as an essential part of that education which we contend ought to be given at an university. At the same time it is certain that many of its defenders have strangely overrated it, by contending for its exclusive possession of those excellences, and arguing that it is the one thing needful to the full development of the intellectual man. This it is not; nor is it perhaps necessary that all minds should be subjected to precisely the same process. Moreover the introduction of the analytic in place of the synthetic mathematics (the differential and integral calculus, calculus of variations, &c.) has notably tended to destroy the advantages which were to be expected from the study of that science whose objects are magnitude and number, whose process is pure reasoning, and whose result eternal and immutable truth. No doubt it was necessary to introduce these new powers into the scheme; but the necessity arose out of the examinations of man against man, and the formation of the intellectual character never entered into the heads of their champions. But other studies have also been proposed as likely to answer the same end, better in a majority of cases. The contemplation of *law*, of an unity comprehending and sustaining the different varieties, and of a systematic connection between the observed phenomena, whether of matter or spirit, have appeared to many deep thinkers upon these subjects to be the best means of giving that intellectual discipline which universities ought to give. Psychology (taught in somewhat better books than Locke's or Mackintosh's) has had its patrons; formal logic has been proposed as a substitute for or companion to mathematics,

as at Oxford and in the various German universities; physics and natural history have had their supporters. We cannot understand why, in an university, one should exclude the other study; only we know that if the sphere were enlarged, and more freedom of choice granted to the student, much less exclusive attention would be paid to the science of magnitude and number, a change which we believe it to be most desirable to introduce. For we are far from satisfied with our experience of the effects produced by this system upon the minds subjected to it; daily example teaches that, for one that it makes, it mars many; and freedom of choice as well as freedom of pursuit is essential to the highest intellectual progress. The man who stands first upon the list of wranglers is notoriously not always the best mathematician (to say nothing more) of his year; and the best mathematician is not by any means always the best fitted for the intellectual pursuits of after-life. How few in fact of the really great names of England, even in later times, are to be found in the *Tripases*, compared with those whom we seek there in vain! In a body constituted as Cambridge is, the unfair preponderance given to mathematics is peculiarly contradictory and absurd. Our readers probably are aware that in order to go into an examination for classical honours, the student must at least have gained the position of a Junior Optime in the mathematical Tripos, an honour which, whatever may be thought of it by men exclusively mathematical, it requires a great deal of laborious study, and a great sacrifice of time to obtain. But our readers are not perhaps quite so well aware that in a majority of the colleges the fellowships are not given to those who distinguish themselves in a special examination, for a fellowship, but to those who stood highest in the university lists. At any college therefore, but Trinity or St. John's (where there are such special examinations), the best classical scholar may very easily find himself deprived of the fellowship which he would infallibly have got had he been allowed to *go in* for the classical examination, without passing through the preliminary and uncongenial ordeal of the mathematical. Nor is this by any means a merely hypothetical case; we have known more than one instance in which the results have been such as we describe.

Trinity (and we believe St. John's also) makes the attainment of a fellowship entirely independent of taking honours; and consequently there are to be found amongst her fellows some, not the least eminent as scholars, who preferred sacrificing their chance of distinction in the classical examination, to wasting their hours *invita Minerva* in becoming imperfect mathematicians, and whose names figure in the unobtrusive lists of the *οἱ πολλοί*. It is not our business to judge whether Trinity does wisely or unwisely in departing from the usual practice of the university, and we look upon the whole system of fellowships as one of the greatest evils under which the universities labour; but while that system lasts, there ought at least to be consistency in its administration.

Mr. Walsh has recorded his conviction that changes might be advantageously introduced into the Cambridge plan of study; we reproduce his opinion, though we differ widely from him in some of his views, and do not admit the validity of all the grounds upon which he recommends their introduction.

"The only studies at present pursued with success at Cambridge are classics and mathematics. Though they are both admirably adapted to call forth certain faculties of the mind, still in the great world they are in themselves almost entirely useless. In what I have called the natural sciences, and in the study of certain of the oriental languages, and of those spoken on the continent, the direct reverse is the case. Were they successfully prosecuted at the University of Cambridge, it would become the great nursery of statesmen, orators, diplomatists, philosophers and linguists, and the focus of all the various departments of practical knowledge, which are now principally cultivated in the metropolis. These pursuits, too, have the additional advantage of being of so pleasing a nature, that most young men dabble a little in one or other of them merely for the sake of amusement. If then the stimulus of honourable emulation were brought to act on them, it may easily be imagined with what vigour and ardour they would be entered upon. Now nothing would be easier than to institute additional Triposes in new branches of learning, and if this were done the end would be at once attained. Such a step would be no hardship or injustice to any one; the new examinations would be on the same footing as the present ones—being merely a means of distinction open to all, but compulsory upon none. I firmly believe that, were this once effected, the number of the idle and the dissipated among us would be most enormously diminished. Men would be perfectly ashamed then of doing nothing—they would have no excuse for their indolence; no matter what their talents and studies might be, they would be in possession of the means of exhibiting them to the world, and those who went out in no

Tripes at all, would be obliged to confess to every one that they were dolts and dunces. At present nothing is more common than to hear youths pride themselves upon their knowledge in some of the studies I wish to see introduced, and complaining bitterly of the exclusive attention paid to mathematical and classical pursuits. Neither let it be said that the University has no means of organizing a system of the kind. She possesses men of the most philosophical minds and the most extensive knowledge in all these departments of learning—many of whose names are already well known to the public—who would be able and willing, if she chose to summon them forth, to conduct the public examinations in the most unexceptionable manner. But even were it not so, philosophers of distinguished reputation elsewhere would, I am sure, lend their aid for a few years to effect this object—and a few years would be all that would be necessary. For we should soon see a young academical generation spring up, under the fostering influence of the new system, abundantly capable to perpetuate and improve it. The only objection seems to be an absurd jealousy which prevails, that, if other pursuits were introduced, mathematical and classical learning would be neglected. I am inclined however to think that the loss in that way would not be great. Nobody pretends to say that the study of mathematics has declined among us since the institution of the classical Tripes. Why then should we suppose that these two departments would be thrown into the shade by carrying out the same principle still further? But even if there were some dozen or two of men prevented every year from taking a mathematical or classical honour, this disadvantage (if it be one) would be more than counterbalanced by the improvement in the general character of students. It is as clear as day, that after young men have left school, and been placed in what is necessarily a state of comparative freedom at the University, the idea of *forcing* them to attend to their books by any discipline, however strict, is perfectly idle. The utmost that can be effected, is to hold out every inducement to them to do so, by exciting their emulation, and rewarding their industry. Were the present plan adopted, new and interesting fields of distinction would be opened to their view; and what is even now studied, but with a degree of listlessness, arising from the feeling that ‘it won’t come in,’ nor ‘tell’ for their degree, would then be devoured with all the eagerness of an honest and praiseworthy ambition. I would propose, therefore, to institute five new Tripes, conducted on the same plan as those at present existing, in the following subjects:

1st. Ancient and Modern History, Political Economy, Moral and Political Philosophy, and the History of the Human Mind.

2ndly. Natural History in all its branches.

3rdly. Geology, Mineralogy, Chemistry, Electricity, &c.

4thly. The principal Oriental Languages, and

5thly. The principal languages of modern Europe;

doing away, at the same time, with the present necessity for obtaining a mathematical honour before the student can sit for a classical one. It may be thought that each of these divisions embraces a wider range of matter, than could conveniently be comprehended by the intellect of a single indi-

vidual. But those who know the gigantic exertions which are frequently made by candidates for honours under the present system, and are aware of the vast sweep of reading required for a Senior Wrangler's degree, and the long list of authors which must be carefully digested by a Captain of the classical Tripos, will agree that there would not be more to be accomplished than might be fairly and reasonably expected from the diligent and industrious student. At the same time let it be constantly borne in mind, that the present state of things cannot be defended by its antiquity. Those who cried out against the introduction of the Greek language in Henry VIIIth's time, and those who wished in the last century to exclude the Newtonian, in favour of the Cartesian philosophy, had much stronger arguments in their favour than any sticklers against innovation at the present day."—Pages 106—110.

The study of the classical authors, when conducted upon a proper plan, is highly conducive to the development of two mental powers; all language, philosophically studied, is calculated to educate the logical faculty; as it is studied, we agree with Mr. Walsh in the subordinate position which he assigns to it. But classical studies educate a higher faculty still. The imaginative or æsthetical faculty—one of quite as much importance to man as the logical—can be compendiously cultivated in scarcely any other way, without at least degenerating into a merely professional power. But in England and in most parts of Germany this use of classical study is utterly unrecognised. A knowledge of certain plays, certain dialogues of Plato, or treatises of Aristotle, or orations of Demosthenes is what we call classical knowledge. The consequence in nine cases out of ten is, that we can construe difficult sentences that would have broken the heart of an Alexandrine grammarian, and racked that word-machine the head of a Dutch commentator, or that we can write hendecasyllabics

That would have made Quintilian stare and gasp; but the spirit of the original never transfers itself to us. We neither find the beauty of form which breathes from every line of Sophocles, Herodotus and Thucydides, nor are we made to feel that that form is something which belongs to our own minds as men, and which it is our bounden duty to cultivate and develope. The most dangerous and fatal error of our days is the neglect of this, and the undue elevation of the logical power. The Greeks deified beauty; we shut our eyes upon her altogether, or when we contemplate her, contemplate her

with the gaze of an anatomist: we should break a statue of Pheidias to pieces in order to see how the artist smoothed, or laid the paint and gilding upon the marble. We count the anapaests of the Electra, and flatter ourselves that we feel the poetry of Sophocles. This is nothing but the result of our system of *cramming* for examinations. We remember well an instance in point. A few years ago some gentlemen, feeling that the higher aims of philology were too much lost sight of in our merely grammatical system, projected a Review which might remedy this defect in the scheme. A few numbers appeared under the title of the "Philological Museum," and were devoted to the loftier questions of philosophy, mythology and art, arising from the study of particular Greek and Latin authors, or to points of history, law, &c. belonging to various classical periods; nor, in a fair proportion, were merely critical treatises wanting. The pages of the Review were adorned by the compositions of Mr. Thirlwall and other eminent scholars both of Germany and England; yet after seven or eight numbers it died, out of sheer inanition. Shortly before this consummation, on mentioning the Review in the presence of an undergraduate of considerable classical pretensions, we were annoyed at hearing him say, "Oh, I never read that; it is of no use; there's nothing in it that ever comes into an examination:" he afterwards took the highest classical honours that Cambridge has to bestow. We are sorry to be obliged to say that we are convinced of this gentleman's being far from singular in his opinion, and equally sorry for the light which it throws upon the tendency of our system of classical education.

The moral discipline which a university should exercise is clearly the most important of its functions. Receiving the youth at his first entrance into manhood, and guiding him through the dangerous passages of his initiation, the institution has an awful responsibility cast upon it, both towards God and man; towards Him, a member of whose spiritual kingdom it may arm for the struggle with the world; and towards the State, a member of whose visible community it is to train up in the exercise of his duties as a citizen. It is here that every engine should be put in requisition, every influence exerted. We cannot altogether approve of the means which have been adopted for this purpose.

The most important auxiliary is that point of honour which exists among all persons collected in classes, and particularly among the young. By working with and upon this, the most valuable results are obtained. And as far as this goes, we believe it to be highly effective in Cambridge,—so effective indeed as to rescue the great bulk of the undergraduates from certain mischiefs, which would otherwise be consequent upon the system of discipline pursued. And this point of honour it is which, perhaps more than anything else, distinguishes the class of English from that of German students, among whom (in despite of their unshorn locks, long moustachios and bloodless duels,) it is at the lowest possible pitch; although in most of the German universities freedom from restraint is carried to an extent which we cannot look upon as beneficial either to the body, the individual member of it, or the town where the university may chance to be located.

But though the university, as such, must stand towards the student in the relation of a state, having authority to establish laws whose object must be to make the individual feel that he is subjected to a certain discipline, it is essential that those laws should be rational, and perceived to be so by those on whom they are enforced; that they should be invariable, and utterly independent of the caprice of those who administer them; above all, that they should be of that nature to render the interference with the student's liberty just such as, and no more than, will produce at one and the same time the feeling of responsibility and the consciousness of freedom. At school the freedom of the youth is, and should be, entirely restrained; he must be in other hands till capable of acting (that is, willing rationally) for himself. The university is the place where he should learn to use that freedom, in obedience to the laws which the academic body propounds for the guidance of its members, before they come to form a part of that greater community, where their subjection will be to the law of God and the laws of the state alone.

The means by which the English university attempts to impress these things upon the student's mind are restraints of various kinds. Thus she compels him to the wearing a particular dress, the entering a particular house or college, the appearing at stated hours in stated places, and to various other

and similar regulations, whose object is to remind him of the subordination to which he has voluntarily subjected himself.

But here it appears to us that both the university and the colleges are inadequately provided with the machinery proper for attaining the desired end. The whole system, as it exists, is either inefficient, and therefore despised for want of dignity and authority; or it is troublesome, meddling, dealing with details, and personally inconvenient and annoying. The university confines its attention to the *police* of the town; it prevents notorious and open disorder, and its court and its punishments are merely the means of preserving the public peace,—except indeed in one case, which legislation had better never meddle with at all, but leave to moral feeling. On the other hand, in most of the colleges a little, petty, vexatious system of interference prevails, which places capricious and irresponsible power in the hands of a small executive, and which in nine cases out of ten unites the governed in opposition to the governors, enlisting the high spirit and point of honour against, instead of on the side of, the restrictions imposed. Young men, whose situation at the university is a free one, (and must be so, if the university is to be of any use to them at all,) will not submit to be dealt with like children; the strong-minded will oppose themselves to the system, at their own great moral risk; the weaker and less independent will perhaps be gradually drilled into schoolboys, to their own great degradation and the general disadvantage. Yet, with the exception of one or two colleges, we believe Cambridge to stand upon a far better footing than Oxford in this respect; and we look upon the want of any real and steady authority in the German universities as one of the very worst features in their scheme; because the university has been, and in some German states still is, less under restraint than the community at large, instead of being more under restraint; because the university, instead of having its own laws and restrictions, in addition to, and preparatory for, the laws of the community, has had its privileges, inconsistent with the laws of the community, and which, though necessary in the time of the *Zünfte*, guilds or companies, are mere contradictions in a system of centralised government, where the power resides in the state, and not in its component atoms or corporations.

The necessity of entering into some one house or college is a peculiarity which distinguishes the English universities from all others, and is paralleled only by the practice of certain Roman catholic seminaries for the formation of priests; having arisen by gradual usurpation, for similar ends, and, as we are convinced, with similar evil results.

The restriction to appearance in stated places at stated hours is to be looked at in various lights. In addition to the general object which we have assigned to it, it may be considered as a measure of police, serving as a muster or roll-call; or it may be represented as subsidiary to general or to religious instruction. The three forms under which it is known in the colleges at Cambridge are,—1st. Compulsory attendance at lectures; 2nd. Compulsory attendance at dinner in hall; 3rd. Compulsory appearance at chapel once or oftener in the day. The university, as distinct from the colleges, has but one such restriction: viz. Compulsory attendance at divine service in St. Mary's on Sunday.

1. It is perfectly certain that many things can be taught better in lectures than in any other way; but it is equally certain that many things cannot be taught in lectures at all; and our experience of Cambridge convinces us that these exercises operate more as incentives to, and tests of, private study, than as means of study itself.

The uninitiated will scarcely know what it is that we call *lecturing*; a few words may therefore not be misspent in enlightening them. A certain number of students meet in the tutor's or lecturer's room, with their books (say for example a Greek play): the lecturer calls upon one or two of them in succession to construe a few lines publicly, to parse certain words, to explain certain laws of construction, prosody and the like; to illustrate allusions, quote parallel passages, apply Dawes's Canons, and notice some of the conclusions which may be drawn as to systems of philosophy, habits, customs and creeds. Five or six young men are thus *put on every day*, and the lecturer corrects them as they proceed, points out the various matters to be observed, and supplies the want of knowledge which the student may happen to show. Or, in a mathematical lecture, the tutor will put on some one student to solve a problem openly; or he will propose one (a deduction,

equation, series or the like,) to the whole lecture-room, accompanying it with such remarks as he deems necessary, and leaving its working-out to the individual students. Now this, though certainly not all that is required to make good scholars or mathematicians, seems to us all that can well be done in lecture-rooms: one lecturer will no doubt do it better than another, but this is an accident common to all systems in all places: such lectures as Thirlwall's on Aristotle, or Airy's on Optics, cannot be expected to be of daily occurrence. The German plan, so much praised by Mr. Walsh, is very different from our own. During the hour of lecture the student learns nothing: he is obliged to follow the speaker, who begins at the beginning and goes on to the end, uninterrupted; he writes down with the utmost rapidity all that falls from the lips of the lecturer, and it is at home and in private that he first studies the *Hefst* or copy thus made. It is obvious that in all cases, save those of experimental science, he would be far better employed in studying a book written by the same professor, deliberately corrected and carefully revised for printing.

The only real advantage possessed by the German student over our own is, that he can choose his professor wherever he pleases: he is not obliged to hear one more than another, although he must hear some one or other. He may study law at Heidelberg with Thibaut; thence he may start to Berlin, and place himself under Savigny or Eichhorn; and he may wind up his course at Göttingen under the guidance of Mühlenbruch or Albrecht. All that he is obliged to do is, to show that he has attended some one of the number; and when he feels capable of standing the trial, he may come with his certificates in his hand, and demand from any university that it shall examine, and promote him to his Doctor's degree. Even those students whom the will of a despotic State confines to the frequenting of particular universities, are at liberty when there to attend what professor they will, ordinary or extraordinary,—a course which leaves the learner a freedom of pursuit, highly advantageous to himself; and, by introducing a strong spirit of competition among the professors, tends to ensure learned and really instructive lectures.

Now all this we cannot do: we belong to a particular College, a particular Side, a particular Year; and we must hear

the lectures appointed by the college for the side and the year. True, we may migrate from Oxford to Cambridge, or Cambridge to Oxford, and upon a certificate of good conduct (*bene decessit*), the one university will accept of the residence certified by the other as part of its own statutable period: but by removing, the chances of a fellowship are usually much weakened, and students do therefore not remove. Nor is migrating from one college to another at all a usual practice either at Oxford or Cambridge. Hence principally arises the necessity of an expensive system of *private tuition*, unknown in the German universities, save to students cramming for degrees; a thing of rare occurrence with them, but in fact universal with us at Cambridge, where the honour-degree is accompanied by a personal struggle, and the personal struggle is envenomed by the pursuit of selfish private interest.

2. The system of dining together in hall, and being there marked, is purely matter of convenience in a country where there are no *tables d'hôte*, and where the habit of sending to the next cook-shop for a dinner does not prevail: it also furnishes a compendious method of ascertaining the presence of the undergraduates in college, throws difficulties in the way of visiting such places as Newmarket, and has the great advantage of rendering easy the formation and cultivation of valuable intimacies. It has also a strong tendency to foster the *esprit de corps* which the existence of separate colleges gives rise to, and which may be guided to beneficial ends. These *convivia*, though of considerable antiquity in our own, are nearly unknown in all other universities; and, when they do exist abroad, are to be looked upon as charitable foundations (sizarships, servitorships) for poor students. Such is the case with the *Convict* at Leipzig and other universities of ancient foundation, being sometimes a pecuniary allowance, but more generally a common table for such students as are admitted to the privilege. To this arrangement, as it exists at Cambridge and Oxford, we see no grounded objection.

3. Not so to the compulsory attendance at chapel, one of the exclusive and least defensible practices of our English universities, and one which when mentioned in foreign lands invariably gives rise to a shout of derision. We are well aware that many persons, whose talents and character entitle

them to the highest respect, differ from us upon this point: we lament it,—not for our own sakes, for we are supported in our view by men of equal talents, and as pure and upright character; but we lament it because their influence will tend to retard what we look upon as one of the most necessary reforms in our college system. It is not alone because the system is based upon a narrow and exclusive policy, and a determination to make the universities *priestly*, that we object to it. We have watched its effects; we have ourselves suffered, and seen others suffer, from the habitual desecration of a service which ought to be religious, and is converted into a muster. We have seen the masses of students collected in the chapel, some drunken, many tired, most inattentive, even noisy when the numbers shielded the individual culprit from observation. We have seen the anxious Dean rising from his velvet cushion to detect the whisperers, the indignant Tutor rushing from his elevated seat to lay hands upon the loud laughers,—and this has been at Trinity, on Sunday evening, in the chapel, while the solemn service of our church was proceeding, and the college-servant was pricking down the names of the unruly auditory, that those who were not there helping to swell the chorus of disorder might be marked out for punishment. We have seen the catholic peer listening to a service which he deems heretical, and have reflected that it was to his independence of the university degree that he owed the liberty to be present at all; and that few dissenters of any other class could be partakers in the advantage which he enjoyed, of seeing the uses to which we of the reformed Church of England put our religious ordinances. And all this has filled us not only with sorrow, but with well-grounded apprehension lest the university, to which we look with affectionate remembrance, should be weakening the deepest foundations of the manly character, and at the same time laying up a store of hostility which may one day sweep her away, by a practice which indisposes many of her truest friends to step forward as her defenders. We are informed that at some colleges (happy are we to be able to say *not in all*) attendance at the Sacrament of the Lord's Supper is enforced by penalties. In the case of the majority of students this is utterly indefensible. In the case of those who may be preparing for the

ministry, the university has a right to compel such attendance; it is part of the holy course to which such students have devoted themselves; and if such students have devoted themselves for the sake of gaining or keeping a fellowship, or for any other worldly advantage, prospective or in possession, the blasphemy and the sin are upon their own heads!

So much for the colleges; the university professes to compel its members to attend divine service at St. Mary's on Sundays, but this theoretic compulsion is not and cannot be practically enforced. In earlier times there were markers in St. Mary's too, but they have long ceased to execute their functions, and all the evidence that yet remains of the system is the habit of Mr. Vice-chancellor or the Proctors of recommending such undergraduates as they may meet, on their way to the university church, to "turn them behind them," and accompany them to the sermon, a compliance which usually ends at the church-door, where the paths of the dignitary and his unwilling follower part. No doubt many of the young men do attend, especially when a man distinguished for great learning, eloquence or virulent sectarianism is appointed to preach. There are a good number of clergymen, who, in theatrical phrase, draw a good house,—whether to edification or not is known only to the Searcher of Hearts; but we have witnessed a scene in St. Mary's which was only to be paralleled by some of the scandalous occurrences of another assemblage: there was indeed no crowing like cocks or bleating like goats; but coughing and shuffling were liberally employed by the undergraduates to put down a most learned and apostolical preacher, the length of whose sermon trenched upon the hour of dinner; and the graduates in the pit of this church, whose galleries so distinguished themselves, seem to have been very generally of opinion that "it served Mr. Here right;" and so it did—for casting pearls before swine!

Having now briefly noticed some of the evils of our system, we feel it to be our duty to pursue the investigation to the cause from which those evils have flowed; and, in despite of the misrepresentation and obloquy to which our opinions may possibly expose us, we are determined to utter them freely and fully. We assert then that the root of all the mischief is to be found in the continued efforts of the clergy to

get the universities (and indeed all education) into their own hands,—efforts begun in the earliest periods, carried on with various event, but never abandoned till crowned with complete and most deplorable success. From the character thus impressed upon the university, all the changes which have taken place for nearly five hundred years are inevitable collaries.

Originally, like all other universities, Cambridge was a voluntary association of professors and students; at an early period however it had its academical form, its degrees in various faculties, &c. It was still a collection of laymen and clergymen, but a collection in which the clerical portion, armed with all the weapons of the papacy, were likely enough soon to become an overmatch for the laity. From the statutes and other legal documents of this period it appears that every person upon taking his Master of Arts degree swore *to keep up his regency* for a definite period, i.e. to take a house or hostel, admit a certain number of students to lodge and board, and lecture them in the books then used in the various faculties. The form still subsists, the substance has vanished. Every Master of Arts of the university of Cambridge (including Mr. Goulburn) has solemnly sworn to keep up his regency: how many of them at this day know even the meaning of the words to which they swore?

It is clear that while things remained in this state the university would still be rather lay than clerical, in spite of a certain importance, and preponderant importance, which always accompanied a catholic hierarchy: the clergy therefore set about remodelling our institutions, and the way in which this was managed was by the establishment of colleges, holding out such advantages to the students as speedily to withdraw them from the less fortunate hostels. Gradually the latter declined, and with them the influence of the laity; *fellowships* had already corrupted the university,—fellowships tenable only by clergymen,—fellowships yet coupled with the celibacy which reveals their priestly and Romish origin. At last the colleges prevailed so far as to get a by-law passed, by which no undergraduate was and is allowed to become a member of the university without entering at some college or other. By this provision the academic institution is utterly destroyed,

and for the university is substituted a collection of colleges. But this was necessary to the proposed usurpation; for the university is lay and clerical, the colleges are exclusively clerical: and for the sake of upholding this clerical monopoly, the solemn oath which Mr. Goulburn has taken is expressly *forbidden to be kept*.

Changes, aimed at the same mark, were speedily introduced into the legislative body. By the ancient custom of the university the power of making laws resides in the whole body of the Masters of Arts and Doctors assembled in their two Houses, viz. the Regent House, consisting of Masters of less than five years' standing; and the non-Regent House, containing the Masters who have passed that period. By them all university officers were originally *elected* from the body at large, and mostly for one year only; a constitution which effectually prevented any undue encroachment upon the part of the clergy. It was therefore annihilated by royal authority,—that authority to which we now anxiously look for its restitution. Gradually the Vice-Chancellor, practically the highest executive officer of the university, (for the Chancellor, always a noble or royal personage, is of really little importance,) instead of being taken indiscriminately from among the Doctors and Masters, was always to be one of the Heads of Houses, that is, a collegiate functionary, and in nine cases out of ten a clergyman; and latterly he has been appointed by the Heads themselves from among themselves, by a sort of rotation, which was never infringed upon till one liberal clergyman accidentally became Master of a college, since which portentous occurrence Dr. Lamb has twice or thrice had the honour of being rejected from his turn.

A similar plan has been pursued with respect to all other officers of the university, the functions of some of whom, as the Auditors, are of the utmost importance to her well-being. As one specimen of clerical management may serve for all, we extract Mr. Walsh's account of the nomination of the last-named officers:

"The Auditors, who are mentioned by that name in the 59th law of the old code*. The 60th law in the same code enacts, 'that certain Masters

* Stat. p. 30, § 59.

are to be deputed annually by the university to inspect the university accounts, and that a balance-sheet is then to be drawn up, (*stat statum per modum dividende*;) and that any regent whatever may be present; if he chooses, at the audit*. The regulations of all the three Tudor codes are to the same effect, except that it is ordered, that they are to be three in number, and that the Chancellor is to be added to them†. We may now take occasion to observe with respect to the 'Guardians,' that as those of them who, according to the statutes, ought to be freely elected by the university, are only two in number, and might on any occasion be outvoted by the Vice-Chancellor and two Proctors, who are nominated by the Heads of Colleges, one would think that, unless anything very dirty and sly mean were intended to be done, this arrangement would have satisfied the autocrats of Cambridge. No such thing. At the present day there are no Guardians of the Public Chest, and no Auditors whatever elected, in flagrant violation of the statutes by which the University is pretended to be governed. Elizabeth's law, as we have seen, expressly orders, that these officers are to be 'elected,' i.e. according to the ancient sense of the word, elected in 'scrutiny' or open poll. Instead of this salutary provision, a grace is annually offered to the Senate, 'that the two Scrutators, together with Mr. Vice-Chancellor and the two Proctors, are to be Guardians of the Public Chest‡.' By the constitution of the Senate, as before explained, this must either be absolutely rejected, or absolutely carried; and thus the university is placed in the disagreeable dilemma, either of determining that the Vice-Chancellor and the two Proctors are not to be two of the Guardians—which would be in the very teeth of the statute—or of consenting to forego their privilege of freely electing the remaining two. To the same grace—by way of lumping everything together—are attached the names of three persons, nominated by the Caput to fill the offices of the three Auditors, although, as we have seen, the law orders that these also are to be 'elected.' And by these means the Senate is compelled, either to assent to the wishes of the Heads, or to throw the whole pecuniary affairs of the university into confusion. Attempts have been made to restore the statutable method of election, but without effect. In the contemptuous language of Bishop Monk, 'the temper of the academical senate just about 1713 appears to have been none of the gentlest.' About three weeks after the explosion against Bentley, they aimed a blow at the Heads in general, against whom they were incensed for not allowing them an auditor of their own. A scheme was therefore laid for having a Vice-Chancellor of their own §: all these schemes of course failed, and the election by grace of the Guardians and the Auditors all jumbled up

* Stat. p. 33. § 60. As this last clause is not contradictory to anything in the Tudor Codes, it therefore remains in force to the present day; though if the right were attempted to be exercised, it would no doubt occasion considerable surprise and consternation among certain parties.

† Stat. pp. 157, 194, 250.

‡ Gunning's *Ceremonies of the University*, p. 17.

§ *Life of Bentley*, note, page 263.

together is retained to the present day ; and as if the Heads had not power enough already, a Master of a College always makes one of the latter officers. The Cambridge oligarchs cannot even, as in the case of the Esquire Bedells, bring an arbitrary letter of a tyrannical monarch to bolster up their usurpation. There is nothing whatever to plead in their defence, but the hacknied excuse of every corrupt corporation, 'that they are no worse than their predecessors.' Thousands and thousands of pounds pass annually through the hands of the Vice-Chancellor, the property of the body of which he is the governor : and notwithstanding that the laws have instituted two Committees, as a check upon him, for the safety of the whole University, the Heads have always scandalously prevented their being appointed in the manner prescribed by the statutes. Verily it is true that Corporations never blush !" — Pages 48—51.

The most fatal blow ever struck at the independence of the university was the establishment of the *Caput*, a body of five individuals, each of whom possesses an uncontrolled and irresponsible veto upon every measure which can by possibility be proposed to the academic body. This committee, consisting of a Doctor of each of the three faculties and a member of each House of Masters of Arts, together with the Vice-Chancellor, exercises the right of determining beforehand whether any particular *grace* (bill or motion) shall or shall not be permitted to be offered for the consideration of the Senate. One single person may therefore for a whole year put a complete stop to any measure or series of measures whatever ; and as the Vice-Chancellor is now always the head of a house, and nearly always a clergyman, and as he is, *virtute officii*, invested with the power of stopping all business, and as of the three Doctors one must be a Doctor of Divinity, and as of the two Masters of Arts (now always *nominees* of the Vice-Chancellor) one or both will generally be in orders, it is evident how entirely the university is at the mercy of one of its faculties, the clerical. One thing alone was wanting to complete the degradation of the body, and this was the formal subjection of the *Caput* to the Vice-Chancellor, as the Senate is formally subjected to the *Caput* ; and this was attempted by Mr. King (the Master of Queen's) during his year of office. This gentleman (a layman, in despite of the laws of his college, by dispensation from Lord Chancellor Brougham,) put forth the monstrous proposition "that the *Caput* must originate every *grace* in the Senate, "and the Vice-Chancellor in the *Caput*."

It was nevertheless reserved for his Vice-Chancellorship to furnish a pungent instance of the way in which the powers of the Caput may sometimes be turned against its wielders when a liberal man by accident straggles into it. As the occasion was an amusing one, and at the same time instructive, we feel well inclined to describe it for the benefit of our lay readers. Many attempts had been made to take off the ridiculous and usurped restriction upon candidates for medical degrees, viz. the compulsory subscription to certain articles of belief, all of which had been uniformly crushed by the veto of the Caput. But Mr. King, who as a child of this generation (by virtue of the aforesaid dispensation) is wiser than the clerical children of light, felt that it would be more convenient to shift the responsibility of this illiberal provision from the shoulders of the smaller to those of the larger body: accordingly a liberal grace was to be allowed to pass the Caput, and to be introduced into the Senate; and to insure its rejection there, missives were dispatched to all parts of the country requesting the attendance of a sufficient number of non-resident Masters of Arts to insure a triumph to the Church and a defeat to such irreligious and democratic men as the Airys, Peacocks, Thirlwalls, Sedgwicks and Romillys of the other party. And at the day appointed there was "a gathering of the hosts to battle" indeed! While the bell was ringing for the first congregation, postchaise after postchaise, gig after gig, (vehicles such as the eyes of men have scarcely seen since the days of Jehu the great charioteer that "drave furiously,") vomited their clerical freight before St. Mary's. There was the lean curate in his dirty white neckhandkerchief, and with a cadaverous face, from the fens; there was also the rubicund, shovel-hatted, long-gaitered incumbent from his fat benefice in the North! Mr. King's eyes flashed with anticipated triumph. Unluckily for him the Caput was not sound; a lay member of it had the determination to be honest; and when the grace which was to be passed in the Caput and ignominiously thrown out in the Senate was read in the former body, the clear sonorous *Veto!* of Doctor Hewitt announced to the clerical pilgrims that they might retire to the benefices which they had left, and that their "occupation was gone!"

This is all very well, and was at the time extremely co-

mical; but suppose that Dr. Hewitt had been a man of less moral courage, or not a member of the Caput at all! It is but just to Dr. Davy, the Master of Caius, to say, that on a subsequent occasion, when the same manœuvre was attempted by the same Vice-Chancellor, he was prepared in Dr. Hewitt's absence to take his place in the Caput, and use his veto for the same purpose. Mr. Walsh remarks respecting the Caput:

"We have every reason to think that the modern College of Tribunes, denominated the Caput, *without the consent of each of whom no measure can even be brought forward in the Senate*, did not exist till the middle of the 16th century. This seems quite clear from four separate laws of the old Code, all of which treat of the method of passing graces*. If such an institution had really prevailed at an ancient period, we should certainly expect to find some mention of it here. But it is no such thing. Now, as none of these statutes are dated, we may fairly presume that the dates of them were unknown at the time when the old Code was compiled, and that they contain the ancient constitution of the Senate in an unadulterated form. It appears from them, that an assembly could not be held, unless the Chancellor, Vice-Chancellor, or some Doctor deputed by one of the two, officiated as president. But it by no means follows, (indeed there is every reason to suppose the contrary,) that this president was invested with a negative on their proceedings. Had this been the case, there would inevitably have been mention frequently made of it in the ancient code, which fills ninety-four quarto pages. But it so happens, that the only vestige of the existence of the power of the veto, occurs in a law, inserted indeed amongst the rest, but of the comparatively recent date of 1488. It is there enacted, 'that no grace concerning the residence or the formalities required for taking a degree (*tempus aut formam concernens*) be for the future proposed, unless it be previously read and agreed to in the presence of the Chancellor or Vice-Chancellor and two Doctors.†' Here we have a veto given to a triumvirate, but expressly limited to the graces (or 'supplicats' as they are frequently called) for degrees; nor is any power assigned to them of negating graces of a general nature. We find no such privilege given to any man, or set of men, in the elaborate statutes issued by King Edward VI. in 1549. But in the code compiled by Cardinal Pole, A.D. 1557, we meet at length with a regulation 'that at every congregation those, and no others, are to be on the Caput, who at the beginning of the year are deputed to be the Caput; and that any one of them is to have a negative voice‡.' There is nothing specified, however, as to the way in which this Caput is to be elected. In fact, the Cardinal himself declares, in the first sentence of his prefatory letter, 'that his laws are merely to be observed in the interim, until a commission, appointed by the Vice-Chancellor, has compiled new ones §, to which however he re-

* * Old Code, §§ 1, 2, 6, 63.

† Stat. p. 566.

" † Stat. p. 9, § 21.

" § Stat. p. 564.

serves to himself the power of refusing his assent. This, I think, fully explains his silence on the point in question.

"It appears, therefore, that we owe the original sketch of the modern Caput to the ingenuity of the Cardinal. The next, in point of time, after the Cardinal's code, is that of Queen Elizabeth, issued in 1559. It says nothing whatever of a Caput, nor of a 'veto' entrusted to any body of men: nor is there any mention made of this subject in the additional regulations issued by Lord Burleigh, and confirmed by the Senate in 1562*. It is in the third Tudor code only, by which the University is, or rather supposes that it is, now governed, that this important innovation in the ancient free constitution of the University is developed.

"The result of the 41st chapter of that artful compilation is, that the Heads of Houses, and practically the Vice-Chancellor, have the full and entire power of electing five persons annually, *each of whom, as well as the Vice-Chancellor, has the full and entire power of negating any measure, that it may be proposed to bring before the Senate, even if every single member of the Senate, but himself, intended and wished to vote for it.* In other words the legislative power is taken out of the hands of the university, and placed in those of certain individuals belonging to the colleges. It is needless to add, that the 'veto' of the Caput has remained in full vigour to the present day. Within the last few years it has been exercised, in order to prevent a grace for the admission of the Dissenters coming before the Senate, and for similar factious purposes on several other occasions. Though it is not perhaps so much the existence of this 'veto' which is destructive of the ancient freedom of the Senate, as the kind of men to whom it is intrusted. Elected as they are, they must necessarily be the patrons of every antiquated absurdity, and the enemies of all useful reform. Had they been freely chosen by the Senate from the whole body of Masters of Arts, they might perhaps have done some good, and they would most probably have done no harm. As it is, they have been a most important instrument in the hands of the Heads, in effecting a series of aggressions upon the rights of the university unparalleled, I firmly believe, in the annals of any other corporation. Their powers have been always exercised for the suppression of every beneficial change, and weigh like an incubus upon the talents of every member of the Senate, able and willing to propose measures of a really advantageous nature. The body of men, whom this tyrannical institution is intended to thwart and control, are not so young, or so ignorant, or so quarrelsome, that they cannot be trusted with the management of their own affairs; and the college dignitaries, into whose hands despotic sway over the whole university is thus thrown, might surely be contented with exercising their authority upon their own Fellows at home."—Pages 29—32.

We are most reluctantly compelled by our limits to draw our examination of the university of Cambridge to a close;

* Stat. pp. 216—222.

we shall therefore only notice further the crowning sin of the clerical usurpers, viz. the exclusion from university degrees of all persons who will not subscribe certain Canons and Articles of the Church, by which a vast body of Englishmen are annually mulcted of the advantages which an university ought to offer to all classes of the community. And here we shall preface our few remarks by a passage from the pamphlet which we have so often quoted, and which though written in the worst possible taste, and evidently proceeding from the worst possible motives, contains much valuable matter for the consideration of wiser and better men than its author: we take him as a witness, not as an ally;

We love the treason, but the traitor hate!

“The university of Cambridge was originally a national establishment, open to men of every sect; and there is no vestige whatever in the ancient code of any religious test having been exacted; although we find there the forms of a vast variety of oaths taken on different occasions. The earliest attempt to introduce a measure of this kind occurred about a month before the death of Edward VI., but was frustrated in consequence of that event. It was by the Popish advisers of Queen Mary that subscription to articles of religion was first actually exacted, as a preliminary to taking any degree whatever; and we have documents still in existence, which contain both the articles subscribed and the names of the subscribers*. Queen Elizabeth, however, despotical as were her ideas on most subjects, merely directed, ‘that no one shall defend any doctrine contrary to the established religion, in any public sermon, or on any other public occasion within the university; and that any one who does so shall publicly recant under the penalty of expulsion†.’ And a grace passed June 9th, 1603, shortly after James I.’s accession, goes no further than this, though the punishment inflicted is somewhat more severe‡.

“On the 30th June, 1613, however, James dispatched a very long-winded letter to the Heads, requiring them ‘to endeavour to get a grace passed by the Senate,’ which would make subscription compulsory on the candidates for the degrees of B.D., or doctor in any faculty, but not for a degree in arts. The first sentence of this extraordinary composition I copy verbatim:

“‘Upon signification to you, not long since, of our dislike of the degree of a Doctor of Physic granted in that our university of Cambridge, without subscription to the three articles mentioned in the six and thirtieth canon of the book of Ecclesiastical Constitutions and Canons, made and published A.D. 1603 and 1604, and in the first and second years of our

* * See the Appendix, Nos. 8—10.

† Stat. p. 255.

‡ Stat. p. 365.

reign of this our realm of England, to Mr. Burgesse, who upon a humour or spirit of faction or schism apostating from his orders and ministry, hath betaken himself to the profession of physick, understanding by your private answer at that time made unto our challenge to you for the same, that there was no established decree or ordinance in that our university for the denial of degrees to such as should refuse to subscribe as aforesaid, and duly considering with ourselves to how little effect our care and endeavour of preserving as well uniformity in order, as unity of truth, in this our Church will tend, if we should not carefully provide for the deriving of both out of the nurseries and fountains of our Church and Commonwealth (our universities), we have thought good by these our letters to signify unto you, both our apprehension of the necessity of establishing such an ordinance or decree, and also our pleasure for the performance thereof presently in that our university of Cambridge, to wit, that by a public ordinance and decree of the body of that our university, passed by a grace with you, it may be decreed and ordained, that from henceforth no man shall have granted unto him the degree either of Bachelor in Divinity, or of Doctor in any Faculty, Divinity, Law, or Physick, unless he shall first, and before the propounding of his said grace to the body of the university, in the presence of the Vice-Chancellor or his deputy for the time being, subscribe to the aforesaid three articles contained in the aforesaid six-and-thirtieth canon, in such manner and form as in the said canon is expressed and required*.

"Seven days after the date of this elegant epistle, the obedient Senate passed a grace to the effect required†. Having succeeded therefore so well in his first attempt, James determined to follow up his advantage, and on Dec. 3, 1616, issued 'his Majesty's directions to the Heads of Houses,' signifying his pleasure, 'that all who took any degree should subscribe to the three articles; that no preacher should be allowed to preach in the town, but such as were every way conformable, both by subscription and otherwise, &c., &c.‡' It does not appear that there was any grace ever passed to confirm this arbitrary order. It was, however, always acted upon till 1772, when the Senate, having previously appointed Commissioners (or 'Syndics') to inquire into the legality of the step, enacted 'that candidates for the degree of B.A., instead of the usual subscription to the three articles, should for the future subscribe the following sentence:—I, A.B., do declare, that I am *bona fide* a member of the Church of England, as by law established§.' This relaxation was still further extended to Bachelors of Civil Law, of Medicine, and of Music, and to Doctors of Music, by a grace passed in 1779 ||; and here the matter has rested unto the present day, as far as legislative enactments are concerned.

"It is plainly useless for the colleges to assert, that they are foundations for the cultivation of theological learning, and cannot therefore admit students, who are not members of the Church of England; because,

* Stat. p. 279.
§ Stat. p. 436.

† Stat. p. 371.
|| Stat. p. 441.

"‡ Stat. p. 281.

in the first place, Mr. Thirlwall has clearly proved, that theology, as an academic study, neither does exist, nor ought to exist amongst them;*; and secondly, even if it did, they have no right to confine the university to themselves by successive encroachments on the hostels, and then to make use of this very illegal aggression, as an argument for depriving that large portion of the British nation, which does not belong to the Church of England, of their ancient and indefeasible rights. It is a principle of the Common Law, that no man can take advantage of his own wrong; and as the colleges clearly enjoy an unjust monopoly of the privileges of the Masters of Arts in general, it is adding insult to injury to make this a plea for inflicting an additional injustice upon that most respectable body, the Dissenters of the United Kingdom. It really is a disgrace to the English Protestant Church to continue to agitate for the exaction of religious tests; when all foreign universities at the present day have repudiated so selfish and intolerant a system."—Pages 21—25.

The universities defend their conduct on the ground that being Church-of-England establishments they have a right to confine their benefits to Church-of-England men. We deny their grounds, and answer that the universities are not and ought not to be Church-of-England establishments: they are national establishments and not sectarian. The colleges by a series of usurpations have become Church-of-England establishments, but the colleges are not the universities. An objection much relied on by Mr. Goulburn is, that the admission of dissenters to degrees would endanger the faith of the non-dissenting students; if it would, we are sorry for the faith which has such weak foundations, laid by such cumbersome and expensive machinery. But let us look this objection a little more fully in the face: the university of Cambridge does admit dissenters for three years and a half to sap the faith of her orthodox sons; it is only when, having done all the harm he can do, the dissenter wishes to take his degree and be gone, that the university steps in and says, "Softly, friend! You are not of us." What faith does Mr. Goulburn keep with us when he puts forward such an argument, or with what face can he attempt seriously to palm such doctrine on the House of Commons and the country? But, say the objectors, if dissenters are admitted into the university, they will be compelled to attend college chapel, which is against their conscience, and they will then claim

* See his admirable Letters to Dr. Turton.

college fellowships, to give them which is against ours. To this we answer as before—the university and the college are distinct things.

And this brings us to the reforms which we venture to recommend to the Ministry, supposing them earnestly disposed to take some steps to restore the national character of these establishments, and inclined to follow the good example set by certain foreign potentates when they took all education out of the hands of the Jesuits. We recommend then,—

1. The abolition of that rule by which every member of the university must previously be entered as a member of some particular college, and of that by which the establishment of hostels by independent Masters of Arts is prohibited.

2. The abolition of the *Caput in toto*, and the restoration of their full and free right of voting to the Members of the Academical Senate.

3. The abolition of the system of Nomination, and the restoration of the right of Election to the Senate.

4. The abolition by Act of Parliament of the necessity of Fellows entering into orders and remaining unmarried.

5. The abolition of all religious tests, subscriptions and declarations whatever, before taking degrees in Arts, Law or Medicine.

6. The abolition of the great majority of oaths, taken only to be broken, both in the universities and the colleges.

As all these beneficial reforms are merely recurrences to the system which prevailed before clerical usurpation had succeeded in grounding itself, the suspension of some later codes, and a slight modification of the earlier system, so as to bring it more into unison with the advanced state of our knowledge, would suffice for the purpose desired; which purpose we openly and again declare to be, 1st, the rescuing of the Church from a series of dangerous and ensnaring provisions, mistakenly devised for her advantage but turning to her great and serious disadvantage: and 2ndly, The placing the education of the higher classes on a broader, wiser and more general basis; a basis not invented for the benefit of any one fraction of the community, but widened to the great and lasting good of all.

Among the reforms which we have proposed there is only one which appears to us to require any further remark ; it is the fourth. We well know that there are many difficulties attendant upon carrying it into effect, though not so many as it has been contended there are. Still it is of such importance that we earnestly say, " those difficulties must be fairly grappled with and surmounted." Nor is our complaint a new one, or our remedy now proposed for the first time. We refer our readers to the remarks made upon this subject by Serjeant Miller, the true-hearted and determined opponent of Bentley, a churchman whose tyrannical spirit was never surpassed save perhaps by that of the arch-churchman of churchmen—Laud.

The passage in question is cited by Mr. Walsh, who goes on to show how the inconveniences attendant upon this alteration might be got rid of. To his pamphlet we refer for them.

Our observations will bring upon us the charge of being hostile to the Church. We fling back the imputation with the firm conviction that it is not deserved. The worst and most besetting evil of our time is the substitution of names for things; the idolatry of systems and the worship of system-mongers; and the severest rebuke to our generation would be found in those deep-searching words, " Ye fools and blind: for whether is greater, the gold, or the temple that sanctifieth the gold?—Ye fools and blind: for whether is greater, the gift, or the altar that sanctifieth the gift?"

We love and revere the doctrines of the Church of England; we look upon them as true and pure; we take our stand upon them as the rule and guide of our own faith, and as the rock upon which the foundations of the visible church of Christ are safely laid. But we do not therefore subscribe to the acts of the churchmen; on the contrary, we charge many even of the most earnest of the body with having deserted her doctrines and made the universal and catholic Church as narrow and exclusive as a conventicle. And this we charge them with having done because they have sought the very same snare which converted that holy and apostolical church into a Roman and Papal one, and which drew down upon its members the violent and ruinous retribution of the Reformation; that snare is **POLITICAL POWER**, an object never named

by Him who said "My kingdom is not of this world." In the pursuit of this end, the clergy of England have followed the selfsame path as the clergy of the establishment which we justly overturned; alike they have endeavoured to get exclusively into their hands the education of the rising generations. To this we earnestly oppose ourselves for the sake of those generations, for the sake of the futurity of this land, for the sake of the Church itself, the mightiest engine for guiding that futurity to good—or evil. We agree with Mr. Coleridge that a body of men, a *Clerus*, should be set apart for the education of the young; and anxiously do we look forward to the time when the Government and the people shall alike be led to see the necessity of creating and organizing such a body, not for the education of the noble and the wealthy only, but for the spiritual training of all classes of our population, and when in every village the schoolmaster shall co-operate with the preacher in spreading the blessings of moral instruction and knowledge: yet though we would have such a *Clerisy* we would not have it an ordained one, lest the lofty interests of the man should be sacrificed to the narrow interests of the churchman, and the great futurity of the State contracted to the futurity of the Corporation. Religious our teachers must be, religious according to the form and doctrine of the Church of England; learned they may be, as it happens: but in orders they need not be, ought not to be, and must not be, unless we wish to bring back the past, with all its weaknesses and all its evils, and to restore the bounded, corporate, atomic life of the ages that are swept away.

Of our readers we now take leave, with one remark, which we wish we could impress upon them all. We are not friends to any follies which may be christened "the Spirit of the Age," but we would therefore fain have the Universities keep within bounds, lest their violence and their injustice should teach the Spirit of the Age to become foolish.

ARTICLE VII.

Scripture Lessons adapted for the Use of Schools, recommended by the Commissioners for the Education of the Poor of Ireland.

National Schools of Ireland defended in a Letter to the Rev. Dr. Thorpe. By FRANCIS SADLEIR, S.F.T.C.D. Dublin, 1835.

It is scarcely necessary at this time of day to discuss the merits of education, or the propriety of improving the lower classes. The objections once advanced by those who dreaded the opening of a door to intelligence, have either been worn threadbare or laid aside as unavailable for the present period, when, no matter whether the objectors reluctantly approve or secretly oppose, the mighty torrent of public opinion has settled the question without even a redeeming clause of "Thus far shalt thou go and no further." Taking therefore for granted the propriety of education, the only question remaining is, as to the mode, extent and materials to be employed; on all and each of which we find ourselves standing on debateable ground. Those who are old enough to look back to the beginning of this century will too painfully recollect the burst of animosity displayed against the upholders of what was called the Lancasterian or unexclusive system, which like the net of the Evangelist was cast into the wide sea, that it might gather of every kind. The press groaned with angry pamphlets, the meetings of those who styled themselves pre-eminently the only true churchmen of their day resounded with revilings, railing, accusations, misgivings and forebodings, anticipating in such proceedings the ruin of their hierarchy; and the cry of "the Church in danger!" was rife throughout the land. No heart was allowed to beat in sympathy, no hand was to be stretched forth in kindly fellowship with men of other persuasions, who were pronounced *ex cathedra* to be designing and dangerous enemies to Church and State. Little inferior in the severity of criticism were their remarks on the extent and quantum of learning to be doled out to the thirsting multitude. The question was, rather as to the minimum that would satisfy, than to the maximum that might

be claimed. Hitherto indeed the great work of improving the minds of the lower orders had been at a lamentable standstill: so palpable in fact was this apathy and stagnation, that it wrung from even the acknowledged organ of the anti-nonexclusive educationists a reluctant confession of the truth, "It is in vain to deny or extenuate the fact we cannot conceal from others, and we ought not to disguise from ourselves,—that both the Government and the clergy have too long neglected one of the most important duties incumbent upon both," namely the education of the people. (See *Quarterly Review*, vol. vi. p. 291.) But we would hastily pass over this part of the question, satisfied that when once the hungering and thirsting for knowledge had tasted, vain and futile is the opposition of those who would attempt to withhold future supplies.

Come we next to the machinery. No education can be efficacious, or entitled to support, unless emanating from and conducted by the ministry of the State religion. This was the doctrine of the anti-educationists of the days we have been speaking of, and is at this moment the doctrine of the conservative of our own times. With a specious plausibility and an air of liberality, of which the most is made, it is said: Justified as we are in assuming the right of reigning lords paramount over the educational process of the British realm, of which we are *jure divino* the legitimately constituted guardians, we will nevertheless admit within the pale of our instruction all who choose to avail themselves of the privilege. We invite the Roman Catholic, the Presbyterian, the Independent, the Baptist, and every other disciple of the fifty branches of Dissent from our Church to attend our schools. True, they may invite, and may be willing to receive: they may call these wanderers from their fold, "but will they come when they do call for them?"

This therefore is the point at issue,—Whether it is better that education should rest entirely with them, exposed to the risk, or rather the certainty, that nine-tenths of the Irish youthful population (which, according to Dr. Sadleir, on whose accuracy from local knowledge we may rely, is about the proportion of Catholic children requiring instruction,) would be excluded from the benefits of Government patronage and aid,

if to the exclusive party of the State Church such patronage and aid were to be limited ; or whether it be not preferable to open somewhat wider the doors of knowledge, whereby the children of all persuasions and denominations may receive the benefits of learning, with a further and not improbable prospect of conciliating and civilising many who must otherwise remain more or less hostile, or rude and ignorant. This surely is no unimportant point for consideration, and it behoves every man who has the welfare of his country at heart to bestow upon it his best and most matured consideration. We are ready and free to confess that, if there were the most remote prospect of bringing the scattered flocks under one fold, wherein all might feed on the same spiritual and salutary food in harmony, peace, and good-will toward each other, we should, so far from objecting, be willing to place the clergy of the State at the head, and leave in their hands a controlling power over the minds and principles of the rising generation ; but, motley and varied as it is by birth, prejudice or other causes, and, we may add, different as are the religious opinions amongst the clergy themselves, we look at the thing as absolutely Utopian and impracticable. And therefore of necessity bowing (if our readers please so to call it) to circumstances, we hail the introduction and adoption of any proposed machinery by which the human intellect can be raised, and the seeds of an uncontroversial and soothing spirit of religion be sown in the mind. And this leads us to offer some remarks on the subject-matter comprised in the works at the head of this article, limiting them to the measures lately suggested for the spiritual, and consequently temporal, welfare of a part of the British dominions, which, because it has hitherto shared the least, has now at the eleventh hour a fair right to claim all the parental support which a Government professing liberal principles is bound as it were by its bond to bestow. For a clear understanding of the case we must trespass upon our reader's patience, and preface our ulterior observations by a few preliminary reminiscences.

We need scarcely state that the population of Ireland consists of three religious parties, Roman Catholic and Dissenters and Church-of-England, in the proportion of the two former to the latter of about seven to one ; of whom the first-

mentioned are by all admitted to be the most ignorant and the least civilized. Marvellous indeed if they were not ! for, to say nothing of previous penalties and oppressions, not later than a hundred and forty years ago the Government of the day passed a law rendering it highly penal for Catholics to receive any education whatever from their own spiritual pastors and masters at home; and, if they went abroad for the purpose of improving themselves, their laudable efforts were met by a statute which transferred their goods, chattels and lands from their own keeping into that of their bitterest enemies and oppressors, the English Protestants. When we consider how comparatively of late these statutes were repealed, all wonder at the ignorance and barbarism of Ireland must cease, and every Christian Protestant will deeply lament that such ruinous consequences must lie at the door of his own reformed Church. It is scarcely necessary to bestow a passing glance on the few subsequent attempts to educate this unfortunate people; since in 1769 only fifty-two schools*, containing about 2000 children, existed, and even their miserable efforts were paralyzed by the injudicious conduct of the superintendents; and from that period little or nothing was even thought of till the establishment of the Kildare Society, which was incorporated in 1800, but whose schools, bearing the same name, did not come into full operation till 1817, in which year the Society took possession of their new institution. And here it will be necessary to observe that, so far from wishing to convert the Roman Catholics,—a measure which common sense might dictate to be very doubtful if attempted,—a declaration “that no attempt should “be made to influence or disturb the peculiar religious tenets “of any sect or description of Christians” received the sanction and signatures, amongst others, of the Lord Primate, the Archbishop of Cashel, the Bishop of Killaloe, and the Provost of the University of Dublin. These schools met with considerable approbation in England, and were particularly lauded by what is termed (though we use the appellation without the slightest intention of casting any reflection on a body of men containing, as we know it does, some of the ablest and most zealous ministers of religion,) the Evangelical party; and yet

* Commissioners' Report.

in these very schools,—and we call our readers' especial attention to the important fact,—a book of extracts from the four Evangelists, under the sanction of a Catholic prelate, was admitted, and the authorized and Douay versions indiscriminately used. And we beg leave further to remind our readers, that by an Irish clergyman, one of the deputation from Ireland at Exeter Hall, this mode of teaching was pronounced "Scriptural." "One of the points"—we use his words—"on which the Kildare Street Society more particularly rested their claims was, that the education which they gave was "Scriptural." And then, by way of getting out of the difficulty respecting extracts, he adds, "He was not one of those who would raise an idle cry against extracts, for they all in practice used extracts; but he would maintain that, among people differing in religion, there was no probability of making honest extracts, and the only common ground of education under such circumstances was the whole Bible." The contradictions here expressed must be obvious to every one; and, on the supposition and conviction that St. Paul was an honest man, we think we shall be able before we conclude to show that honest extracts may be made.

Leaving for the present these schools, we now come to the systems introduced by Lord Grey, put into action by Lord Stanley, and supported by Sir Robert Peel.

The great object (as Lord Stanley declared it to be) was, "without the slightest compromise of principle on any side, to introduce a sound system of morals founded on religion,"—a system, in fact, in which the children of all parties and sects might meet together in harmony, grow up with feelings of kindness and good-will toward each other, imbibing the blessed conviction that, as they were the disciples of one common Saviour, they might pass through the present life as brethren, in a sure and certain hope of a resurrection to an eternal world, wherein all who followed the precepts contained in the books about to be placed in their hands might receive the benefit of his pervading love and redeeming power. As the concentrated essence of the meaning and intentions of this new system, we annex the general lesson which the scholars are daily required to repeat; and the more we have reverentially pondered over its contents, the more are we in utter amaze-

ment that any individual should be found, of a community professing itself Christian, who would not come forward hand and heart to support it with all his energies and efforts.

“ Christians should endeavour, as the Apostle Paul commands them, ‘ to live peaceably with all men’ (Rom. xii. 18.), even with those of a different religious persuasion.

“ Our Saviour Christ commanded his disciples to love one another. He taught them to love even their enemies, to bless those that cursed them, and to pray for those who persecuted them. He himself prayed for his murderers.

“ Many men hold erroneous doctrines ; but we ought not to hate or persecute them. We ought to seek for the truth, and hold fast what we are convinced is the truth, but not to treat harshly those who are in error. Jesus Christ did not intend his religion to be forced on men by violent means. He would not allow his disciples to fight for him.

“ If any persons treat us unkindly, we must not do the same to them ; for Christ and his Apostles have taught us not to return evil for evil. If we would obey Christ, we must do to others not as they do to us, but as we would wish them to do to us. Quarrelling with our neighbours, and abusing them, is not the way to convince them that we are in the right and they are in the wrong : it is more likely to convince them that we have not a Christian spirit. We ought to show ourselves followers of Christ, who, ‘ when he was reviled, reviled not again,’ (1 Peter, ii. 23.), by behaving gently and kindly to every one.”

We have heard that this simple and affecting appeal has given offence in quarters where, we should have conceived, considering the profession and character of those dissatisfied, it ought to have been received with a cordiality due to its value ; for who can doubt but that if the principles therein contained were diligently taught, and impressed upon the minds of those for whom it was composed, a civil and religious reformation must of necessity ensue, in itself sufficient to insure tranquillity in Ireland ; that its people, Catholic, Church-of-England-men or Dissenters, would lay aside their weapons of warfare, and, living peaceably with all men, would moreover be none of them far from the kingdom of God ; and that the Bible, the parent and promoter of such hallowed principles, would speedily find its way into every cottage of that hitherto neglected and benighted country ? Such an appeal, identified with the spirit of truth, and engendering good-will between man and man, we should have presumed would have blunted the edge of malice and misrepresentation. Not so : the public,

who may not have turned their attention to the progress of hostile proceedings, are little aware of the tone and language with which it has been assailed by peers, spiritual and temporal, by country squires and clergymen, who have made common cause to stifle it in its birth. It has been pronounced "poisonous," and the Board by which it is adopted "encouragers of idolatry and dissent;" its President, the respected Archbishop of Dublin, as the associate of Papists and Socinians in the cause of superstition or infidelity, or, in the language of Mr. M'Ghee, "sitting down with Dr. Murray, to the great dishonour of the Protestant Church, to mutilate the Bible!!"

"I would rather," says one of these ministers of the Gospel of peace, "give my right hand to the flames, than place my name beside that of a Roman priest to an application for a school, where a mangled and mutilated Gospel, clipped and docked to suit the policy of the Church of Rome, was to be put into the children's hands, instead of the Gospel of the living God; and, if such a school were formed in my parish, I would go on my knees to the humblest peasant over whom I have spiritual charge, and warn him, as he valued the immortal welfare of his child, not to send him to a place where the garbled extracts of man, ay, of Papist man, were to be set up in opposition to the revealed Word of God. (Tremendous cheering.) These are not my sentiments alone, and, as I see a number of clergymen present, I will ask them whether or not their sentiments agree with mine. ('They do, they do!' from all the clergymen present.) Is there one among the 20,000 Protestants present, who would send a child to a school where, instead of the blessed Word of Life, a mangled book of extracts, such as suited the prejudice and bigotry and anti-gospel religion of priests, was to be placed in its hand? (Loud cries of 'No, no, not one!') Let every man who values the advantage of Scriptural education raise his voice against this Gospel-murdering system of education with which we are threatened." Another minister, a popular preacher on this side the water, declares "that no honest Protestant ought to tolerate a system of tyranny equalled only by that of the Inquisition."

Again, to quote from one of the most approved organs of

conservative orthodoxy*. A reviewer in this *impartial* and *truly Christian* periodical, on the system of Irish discussion, thus expresses himself: "What! is the Bible to be torn, at the instigation of Popish demagogues, from the hands of our fellow-countrymen? Are we to behold the tares of Popery choking the wheat of the Gospel? Who can experience even a momentary indifference whilst millions of his fellow-creatures are threatened with a deprivation of that book which to his own soul has been the source of light and life?" We then find sarcasms on Dr. Whately, whom they are pleased to designate by an epithet which they consider as one of the most insulting they could apply: "The whig archbishop, showing the cloven foot of liberalism, associated with a party designated 'new light' 'infidels,' whose joint reasonings we scout with contempt, and call for the Bible, the whole Bible, and nothing but the Bible;" and finally rating Mr. Stanley, "the mouth-piece of Government," for asserting in his speech that the use of the Scriptures without note or comment was a vital defect in the Kildare schools; adding with a taunt, "Such is the Protestant minister of a Protestant community"! We beg our readers to pay attention to this passage, as we shall have something to say respecting it when we come to expose their opinions of the Bible, and the whole Bible, and nothing but the Bible, when such a declaration does not suit their purpose. The Christian attempt of the Education Board to produce peace and harmony is by them voted an "unnatural coalition, and all sincere Christians loudly called upon to combine their exertions . . . and show how utterly impossible it is for them to live in Christian charity with any individual out of the pale of their own Church." Again, hear

* The Christian Remembrancer, which in advocating its claims "ventures to hope that the impartiality of its criticisms and unyielding enforcement of the pure principles of the Established Church will be the means of confirming its influence;" and then annexes on its wrapper the following laudatory passages from the pages of favouring advocates. "We are much pleased," says one, "with the truly Christian tone of this valuable periodical."—"This may be considered as the only really orthodox periodical issuing from the London press," says another. "The Christian Remembrancer," adds a third, "deserves the support of all sincere Protestants, not for its orthodoxy alone, but for the truly Christian temper it has displayed in all controversies."

Mr. M'Ghee's version : " Against what do all the ministers of
 " the prince of darkness warn the people? Is it against crime,
 " and vice, and idolatry, and sedition? No: they stimulate
 " them to these things; but it is against the Gospel of Jesus.
 " Therefore * * * a short time since, to please them, an unprin-
 " ciple set of politicians suppressed the Word of the living
 " God from the education of the nation, and employed their
 " agents to mutilate the sacred volume; who have not only
 " mutilated, but have corrupted the wretched mutilation that
 " they have given; therefore they especially abhor all faithful
 " public preaching of the Gospel to the people," &c. Here we
 have a clergyman, a professed Christian, whose duty it is " to
 " think no evil," and to obey " the powers that be," deliberately,
 in a publication addressed to one of the superiors of his own
 Church, asserting that the Government of the country, aided
 by an unprincipled archbishop, &c. are in league with Satan, for
 the purpose of undermining the principles, civil and religious,
 of the British empire. Another libeller, in speaking of the
 extracts, describes them " as a selection which contains no
 " doctrine disapproved by the Romanists, and which of course
 " omits many points which Protestants consider essential"! It
 would be as easy as it is painful to multiply passages from
 speeches and publications by similar professors of the Gospel
 of peace, dictated by feelings in accordance with the above; but
 we trust enough has been given to show, to all who are not wil-
 fully blind, what spirits such accusers and vituperators are of.

Hitherto we have seen the opinions of the orthodox respect-
 ing the Bible and nothing but the Bible, without note or
 comment, as a *sine qua non* in the dissemination of truth, when
 it afforded an opportunity for finding fault with others who
 were adopting a qualified circulation. We shall now see that
 when another class, from whom the true churchmen differed
 in opinion on other subjects, did insist on giving Bibles with-
 out note or comment, with a view to the conversion of the
 ignorant, a band of orthodox assailants preached a very dif-
 ferent doctrine, and the circulation of the Bible and nothing
 but the Bible became a subject of reprehension and alarm.
 We have referred to the bitter warfare carried on by those who
 claimed the title of orthodox churchmen in the Bell and Lan-

casterian campaign, when contending for the superiority of exclusive over unexclusive education. Let us now cast a glance at a contest carried on with similar asperity during the infancy of the Bible Society. As before, that we may not be suspected of invention or misrepresentation, we shall quote, not from hear-say evidence or unauthorized documents, published by those who might be supposed to have an interest in perverting the truth, but from the printed and published recorded opinions of those who, like the Goliaths of their day, stood forward in front of the battle, hurling defiance against a stripling Society when venturing to push itself into notice and favour. Accordingly we give the following extracts from a clergyman's address to the President of the then nascent Bible Society, hailed as a masterly performance at the period above alluded to. "Be not deceived, my Lord," says the Reverend opponent, "with the notion that the bare act of distributing Bibles is the act of disseminating the sacred truth * * * For alas! through the lusts of men the precious boast of life is made the instrument of error as well as of truth, and of much evil as well as of infinite truth. When it is remembered that to the Scriptures, not only the true Church of Christ appeals for confirmation of its divine doctrine, but that likewise every sect and heresy by which it ever was defaced has regularly pretended likewise to deduce its error;—when we observe the Papist and Puritan, the Socinian and Calvinist, the Baptist and Quaker, all appealing to the Bible for the truth of their principles, and pretending to prove them thereby;—it will not be maintained that the mere distribution of Bibles under the present circumstances of the times is likely to spread the truth. On the contrary it is to be expected, that each member of your heterogeneous Society will draw his portion of books for the promotion of his particular opinion; for it is easily seen that a Bible given away by a Papist will be productive of Popery: the Socinian will make his Bible speak and spread Socinianism; while the Calvinist, the Baptist and the Quaker will teach the opinions peculiar to these sects. *Supply these men with Bibles (I speak as to a true churchman) and you supply them with arms against yourself.*"

Again, in a pamphlet by the Rev. J. H. Spry, against

the British and Foreign Bible Society, the author by no means allows that influential preeminence of the Bible above all other books toward the establishment of Christianity, contending "that the Bible will not, generally speaking, make a man a Christian; though in some instances, under the grace of God, it may perhaps have done so;" and in another pamphlet by a country clergyman, written with the same views with the preceding, and much lauded in their day, we find similar reflections on the incompetency of the Bible and nothing but the Bible. "Doubtless," says the writer, "if God had considered the mere circulation of his written Word as a sufficient mode of propagating his holy religion, we must reasonably suppose that he would not have so long concealed from our knowledge the means of multiplying copies by the press; and, indeed, whenever we read of those high commendations of the Word of God in the Scriptures, we must remember that they relate not to the mere book of the Scriptures, independent of the priesthood, but to the whole system of revelation, to the written law of God, administered by the ministers of God;" and in a few pages after adds, in confirmation of this opinion, "I have observed in general those persons who contend most vehemently for what they call the pure and simple act of distributing the written word of God, have very mean and erroneous opinions concerning the Church and the real ministers of God." Here we have confession from Church-of-England clergymen that the distribution of the Bible is dangerous, and may be made an engine of Popery, that it requires extra aid, and that those who think differently are of doubtful orthodoxy. What could the Roman Catholics wish for more? How will such a confession be received with an *Io triumphe* by the Papal hierarchy of Ireland? Had the above been written by Dr. Murray, or any other Roman Catholic bishop, what an abundant source would it have proved, in the hands of M'Ghees and O'Sullivans, for reproaches and charges against the Catholics from the platform of Exeter Hall! The Christian Remembrancer follows up the blow, as far as the distribution of the Bible is concerned, amongst the unenlightened:

"A heathen, and especially a systematic heathen, would regard it (the

Bible) *with horror as the most useful impety.* Such, we know was the actual impression of the ancient heathen world. The heathens of the primitive ages were converted by miracle, and by discourses judiciously adapted to their prejudices, so as neither to countenance nor to wound them. St. Paul became all things to all men, that by all means he might save some. A judicious missionary, while he would constantly take the Bible for the well-spring of all the truths which he had to inculcate, would not obtrude all those truths at once, but introduce them gradually and seasonably."

Again :

"We cannot but regard the idea of converting nations by the Bible, without note or comment, to be an egregious mistake; proved so to be, not only by the evident failure of the scheme, but by the testimony of that very Bible, which is affirmed to be the instrument of conversion. Moses did not write his Pentateuch and then advance to the conversion of his countrymen book in hand: the Old Testament arose gradually, nor was its canon complete till the Jewish mind had been abundantly trained for its profitable study. Not one book of the New Testament was written for unconverted heathens. The Bible therefore is its own witness, that it was not intended as the preliminary instrument in their conversion. Its truths were communicated by the Apostles to the heathens, not all at once, but singly, and as they were able to bear. There was strong meat for maturity, but there was milk for infancy. There is a spiritual as well as natural plethora, which is not less fatal in its tendency. Put Euclid and Newton, without note or comment, into the hands of a peasant, and tell him to discover the system of the heavens, and you will have some idea of the proficiency which a heathen will make in Christian knowledge, with a Bible similarly circumstanced. The idea therefore of converting the heathen by Bibles without note or comment is unwarrantable both by experience and Scripture. We are not aware that the Bible Society has produced one instance of a convert who had never heard of Christianity, except through a Bible without note or comment, of any description whatever."

Now with part of these observations we are ready to confess we coincide in opinion, it being in fact analogous to the mode adopted by the Irish Board in imparting religious instruction amongst mixed candidates for education; but we do not see how, with the slightest pretence for consistency, the very people who are declaiming against those who are pursuing the plan of selection and caution, dictated by prudence and common sense, can thus blow hot and cold, uttering on one day opinions which their animosities or their prejudices prompt them to abjure on the next. Verily the right hand is loth to know what the left hand doeth: truly hath the prophet said, "The heart is deceitful above all things."

Having thus introduced our readers to the directly contradictory conclusions on the subject of Bible distribution without note or comment or curtailment, let us now proceed to trace the supposed cloven foot of heresy and infidelity, so ingeniously detected by those who are determined to keep Protestant and Catholic children as far as the poles asunder, with all their angry passions fostered by this (as they conceive) salutary repulsion, by which all chance of their ever entertaining a particle of goodwill toward each other is so effectually prevented. Let us turn our attention to these selections from the Bible so protested against by a party loudly insisting on the Bible, the whole Bible, and nothing but the Bible. "A charge" (observes Dr. Sadleir) "which has been made in forgetfulness that the Commissioners of Irish Education in 1812 recommended the use of extracts; that many heads of the Established Church had sanctioned and approved of the use of Scripture extracts in the education of youth; amongst others the Bishop of Exeter himself; and, though last not least, in forgetfulness or in ignorance that the Established Church herself has given to the people; in her appointment of lessons to be read in the daily service, not the whole Bible but extracts from the Bible, having left a great number of chapters which are not appointed to be read either on week-days or Sundays." In coming to this question, however, we really feel at a loss to know how it ought to be handled; partly from doubts whether we fairly understand the extent and meaning of the objection, and in still greater degree from equally sincere doubts whether the parties themselves understand what they mean. Are we to understand them literally to mean, that in teaching children between the ages of ten to fifteen no preference is to be given to one portion of the Scriptures over another? Is it to be considered as absolutely essential that, from the first chapter in Genesis to the last of Revelations, the perusal is to be continued without deviation, choice or change, according to the judgement and discretion of the teacher. If so, let us for a moment inquire a little more closely into the progress of our young neophytes. Now the Bible contains in round numbers about 1200 chapters, exclusive of the Apocrypha, which, at the rate of one per day, which is we believe

a fair average allowance, will occupy, at the rate of five days a week, (for Sundays and Saturdays are in all our national schools more or less holidays, on which the children are released from their scholastic routine of duty;) and as we must further include in our calculation a month's holidays at Christmas and another month at least for absences, illness, and other causes, we cannot fairly put down to their account more than forty weeks of actual annual schooling; which will give 200 chapters for the year, or six years for one single cursory perusal of the whole and entire Bible, without note or comment; for a master's explanation—whether discreet or indiscreet, orthodox or heterodox—must be allowed to be notes and comments, and therefore consistently protested against. But here we are met by another difficulty, and we think an insuperable one; namely that, as the average attendance of poor children sufficiently advanced to read (to say nothing of understanding) the Bible, rarely, we should rather say never, exceeds four years, every child educated by the “with-out-note-or-comment” and unmutilating friends of the Bible must, as a natural consequence, finish his education, as far as his unmutilating patrons are concerned, minus one-third of the sacred volume; and as, on their own grounds, we are to suppose the reading to be from the beginning to the end, the deficiency will thus exclude the whole of the New Testament! We are prepared to hear our readers deprecating these calculations as trifling, and unworthy of a subject requiring the most serious consideration. We plead guilty to the charge, and honestly confess our criminality, but we consider it as the only legitimate mode of meeting charges too trivial to be met in a more serious manner; for we would ask whether it is a whit more trifling or irrelevant than the quibbling reasonings of men who gravely push the argument to such conclusions and thus compel us to be triflers. Can they in sober seriousness mean us, or any individual capable of using the common sense which God has given him, to consider that they mean what they assert? Like drowning men they are catching at straws or leaning on broken reeds,—strong enough indeed to serve their turn as long as they can persuade hearers, who neither examine nor inquire into the bearings and truth of positions placed before them, that their straws

are buoyant, and their reeds staffs of oak, on which blind believers may safely rest. But this is not all: Are we to suppose them further to mean that selections are not most advisable, to be encouraged instead of checked? Do they mean that all parts of the Bible are equally instructive and important? Is the book of Leviticus, with its minute details of Jewish policy,—Ezekiel, with its beautiful but mystic lore, utterly beyond the capacity of nine tenths of the common run of readers of any sort, and more especially of juvenile readers, to comprehend,—are these, with other portions and chapters of the sacred volume, to be placed on a par in point of real utility and practical benefit with portions of the Psalms and Proverbs and Gospels which are within the intellectual reach of the simplest child? We are prepared to receive for answer that they mean no such thing: Oh no, when thus appealed to, the inconsistency is so glaring and incongruous that they reply, "Far be it from us to disapprove of Selections! we approve of them." To be sure they do, and we know full well that there is not a single National School in which Selections are not constantly used. The list of the Society for promoting Christian Knowledge records at least a dozen books of Selections recommended and approved of by committees composed of clergymen from bishops down to curates. All we complain of is the disingenuousness manifested by these clerical opposers and approvers of selections in the same breath. Why this equivocation? Why not boldly and manfully declare the real and undisguised truth, and say: We of the church of England, advocates for education confined to those of our own persuasion, assume a right to dissect, divide and subdivide the Bible as we please; but you, whose declared object is to provide an education founded—as its nursery-father and progenitor Mr. (now Lord) Stanley professed it to be in his introductory speech—upon religion, and calculated to "produce those fruits which the Scripture says are the fruits of the Christian religion, peace, meekness, gentleness and love," leading to no "departure from any principle which the strictest Protestant would require in the most Protestant education," and which, as Lord Morpeth truly asserted, "would lead to a better education and a larger acquaintance with the Bible itself,"—you, whose professed object is to

conciliate and bring up children in the comprehensive circle of Christian love and mutual charity,—you, are deserving of all the censure we can bestow, for daring to make selections from the Bible, or, as we chose so to term them, mutilations, dangerous, designing and unwarrantable.

Such are the arguments, such the reasoning of a self-constituted conclave. But who are they, or by what right do they presume to judge so harshly of others, who are, we conscientiously believe, most sincerely devoted to a good work, acceptable to God and their country? Have they well and fully balanced in their minds what are, or are not notes, comments and mutilations? Are they prepared to prove to the satisfaction of inquirers and scholars, as keen, as zealous and learned as they may be, that even our own authorized version is to be placed on the same footing as the original records, that it is a strictly accurate translation, and that it is not on some points of controversy to all intents and purposes a mutilation, or a comment, or a note, whichever they please to term the construction of our translation? Will not their memory in an instant (if not we could easily refresh it) bring vividly before them words and passages respecting which the learned have for years been at issue, and even volumes written in explanation; and, from the purest motives, have not divines, eminent for their learning and piety, lamented that it was still allowed to retain passages requiring revision, or which if retained, for their proper understanding called for notes and comments; or confessed that a new translation would possess many advantages superior to those which attended former translations? We say not this in disparagement of a version which, taken in the whole, we conscientiously conceive to be the best existing, but as a set-off against such as maintain that any deviation must of necessity be a crime. At all events, in standing up for selections, we feel that if our adversaries will not allow that we are standing on tenable ground, we have the satisfaction of knowing that we err in company with men whose opinions and characters will bear the test of scrutiny: and it shall be our pleasing task to prove this by extracts from authors whose names alone are a host in our favour. What then, first on the list, says Mr. Babington, one of the ablest writers on education, respected alike in public and in

private for the evangelical vitality of his religion, whose volume on the subject is a lasting monument to his Christian fame, had he done nothing else to immortalize his memory?

What then are the opinions of this experienced teacher? He speaks the language of sound sense, as well as sound judgement; and the effect would be as evident in Ireland as it is elsewhere, if the clergy would but come forward hand and heart to give it a fair and friendly trial. To begin with infancy: "Here a little and there a little, must be the parents' motto in conveying instruction at this age: very short and "simple stories from holy writ." In the more advanced stage he thus speaks of teaching from books of a strictly religious description:

"It would be a desecration of the awful subject to use a book of this kind, entirely or even principally, for the purpose of teaching a child to read. Such a proceeding would be somewhat like employing a church for some common worldly purpose. It is of high importance that religion should always wear her holy garb, and that the youthful mind should never approach her but with the sentiments which she ought to inspire. If this be so, let parents beware of using such books merely as vehicles even of religious knowledge. Religious knowledge, without dispositions, will not impress the mind with reverence. The head may be stored, but when the heart remains cold, Divine truth not only fails to produce the effect intended by it, but the mind is gradually hardened against right impressions at a future time. To hear solemn truths without feeling them grows into a habit. . . . Let them endeavour to exclude a curious, or a cavilling, or a controversial, no less than a formal spirit, in the little beings to whom they are opening the heavenly path. But amongst the books to which these remarks may apply, the holy Scriptures are beyond comparison preeminent: they never should be approached but with deep reverence for the Divine Author, and a deep sense of their inestimable value. The very book should be used and preserved with more than ordinary care. Somewhat of the temper of mind inculcated on Moses, 'Put off thy shoes from off thy feet, for the place whereon thou standest is holy ground,' should be sought and cherished on such occasions. In order the better to instil and preserve a proper reverence for the Bible, I would recommend the not beginning to read either the Old or the New Testament with children before their general respect for religion, and their progress in self-command, afford reasonable security that they will conduct themselves rightly while so engaged. . . . When they do begin to read the Scriptures, let those parts be carefully selected which they can best understand, and which are most likely to interest them; and let the readings always be short, and held out rather as a favour than a task, and always as a religious duty. . . . Some short and easy Bible history is very useful, as soon as the child can read with tolerable ease. It will prepare the way for reading the Bible

itself at a rather later period with more advantage. *Avoid passages which have a very direct bearing on abstruse and much controverted points: children ought not to be puzzled in religion.* In this sense, as in others, spiritual milk, and not strong meat, is their proper food.... When difficulties occur it appears to me best to avoid entering minutely into them, but to show that, from the infinite distance between God and man, difficulties, and insuperable difficulties, must necessarily be expected, when God vouchsafes to his creatures any communication respecting his own nature and his own government."

But possibly the mere opinion of a layman, however pious and exemplary, may have little weight with churchmen; we therefore refer them to an Irish bishop, who above all others, from his peculiar character and situation, had the best means of judging, and whose authority is unexceptionable. What then says Dr. Jebb, of Limerick?—our extracts are from his *Life and Correspondence*.

"I do not like the use of the Scriptures as a *school-book*, i. e. as a book from which to learn the elements of reading. This practice, in my opinion, goes to desecrate the Word of God, to render it not familiar, but cheap and vulgar. It should ever be taken up with mingled reverence and affection; but surely it is not thus that children are apt to handle a spelling-book. My mind revolts from this usage; at the same time I *think it highly desirable that selections* from the Old Testament and the historical parts of the New Testament should be read by the higher classes, and it might be well if the reading of them were made a privilege and a reward. Parts should be committed to memory, and those parts should be selected most likely to engage the imaginations and the affections." (Vol. ii. p. 415.)

Again, in a letter to Dr. Walsh, a Roman Catholic, he says:

"Setting aside all theological differences, and placing myself, so far as I am able, in the circumstances of a zealous pastor of your church, I should recommend for the use of schools and for general circulation the historical part alone, and would reserve the controversial part for the more educated classes, especially candidates for the sacred office. Some *notes of an explanatory, practical, and spiritual nature, might be advantageously annexed* in the proper places under the text." (Vol. ii. p. 418.)

Again:

"For private and lay individuals,—indeed we may take in churchmen too,—it is of far greater moment that they should be trained as humble pious Christians, than indoctrinated as acute and keen controversialists."

And finally, with respect to Lord Stanley's system, he says:

"Do not, I pray, let him be discouraged at the present check of his education scheme. It is only for a time, to divert his benevolence into a channel where it may flow unobstructed; and you may rely on it the

stream will in due season diffuse itself, not physically only, but morally and intellectually, through the land." (Vol. ii. p. 416.)

We might have multiplied extracts of a similar tendency, so replete with good sense that it was difficult to refrain from copying; but we cannot doubt the above are sufficient to establish the point we have in view. We do not know how far our ultra Protestant anti-mutilators will receive them; but this we know, that pious and rational Catholics are ready at hand to say, Amen! to the well-digested truths of this excellent writer. We can remember uttering similar sentiments in the presence of an exemplary Catholic lady who had devoted herself to the education of youth, and can recall to mind her look of wonder, satisfaction and astonishment. "I am surprised," said she, "to hear such a declaration from a Protestant, whose custom I understand it to be that the Bible is made a common school-book. I thought that caution, and a dislike to an indiscriminate and over-familiar introduction of the sacred volume amongst children was confined to us Catholics, and urged against us as criminal." We might adduce, in further corroboration, the opinion of an Oxford writer, published in the *Christian Remembrancer*, who is anxious to introduce a different system of selection in our church service. "I should esteem," he observes, "a judicious selection of the most important chapters, which might bring the grand features of the whole under review once in the course of every year; a still more desirable plan; nor should it seem at all impossible to comprise, in the annual number of 104 second lessons of moderate length, the whole body of history and doctrine contained in the New Testament; when we take into consideration how often the same facts are related, without any material addition of circumstances, in the narrative of the first three Evangelists." He then makes nearly similar observations on the lessons of the Old Testament, which he thinks ought to be altered, as they are "become altogether unintelligible to the lower orders without a commentary." Pretty much in unison with this is the record of the Society for Promoting Christian Knowledge; for in one of its Reports now before us the doctrine of without-note-or-comment is reprobated, and made a charge against the Bible Society. "It will scarcely

"be denied," says the Report, "that to make the reading of the Scriptures profitable, they must at the same time be understood; and members of the Established Church at least can never be at a loss where to look for the necessary assistance, as long as our Society enables them to give with the Bible, the Prayer Book and other excellent tracts." Now this we cannot but consider as something very nearly approaching to a libel on Protestantism, from a quarter which should have been more careful in its confessions; it being neither more nor less, in our humble opinion, than an indirect declaration that the Bible, without some orthodox tracts and comments, is by no means a sure guide to safe and infallible truth, or a proper book for elementary education.

Having thus put our readers in possession of the heresies imputed to the National Board, and shown the singular inconsistencies manifested by their impugnors, we shall proceed to notice the extracts themselves, consisting, as far as they have been hitherto published, of one volume from the Old and two from the New Testament. Our comments will be confined in great measure to the latter, as chiefly referable to the doctrinal and practical exposition of the Christian dispensation, which is the leading feature in an introductory system of education in a Christian country. One word only shall we say in passing respecting the former, relative to a passage which has been distorted and misrepresented in every possible manner, that it may appear as evidence in favour of the anti-educationists. The verse we allude to is the 15th of Gen. iii. "And I will put enmity between thee and the woman, and between thy seed and her seed; it shall bruise thy head, and thou shalt bruise his heel." The selections (which we are informed in the Preface have been made by a comparison of the authorised and Douay versions with the original) have the passage thus: "And I will put enmities between thee and the woman, and between her seed and thy seed: it shall crush thy head, and thou shalt lie in wait for his heel." We should have thought it impossible for the utmost malice or ingenuity of man to have so mystified the compilers' intentions, as to transform the latter version into a deliberate attempt to aid and abet the Roman Catholics in their supposed adoration of the Virgin. "This," exclaims one of the agitating

orators of Exeter Hall, "this is a specimen of the extracts which we are to have instead of the Bible,—extracts which are to be placed in the hands of Protestant children, extracts that Protestants are to be compelled to read instead of the Bible, which is to be wrested out of their hands." But there is a note appended, and a note which this same orator deems pregnant with the direst danger; it is this: "*It shall crush, &c.—ipsa, she, the woman; so divers of the Fathers read this place, conformably to the Latin; others read it ipsum, viz. the seed. The sense is the same; for it is by her seed, Jesus Christ, that the woman crushes the serpent's head.*" A more simple and unassuming comment, and as little likely to impregnate Protestant children's heads with the idea that they were to adore the Virgin, we can scarcely conceive possible to have been inserted. If indeed the Roman Catholic committee-man had insisted on inserting some of our Protestant notes, the intention might have excited suspicion; for there indeed we find an absolute reference to the seed of the woman as "*an honoured medium of bringing forth the Deliverer;*" and again, "This address is not to Adam but to Eve alone, and it was in consequence of this purpose of God that Jesus Christ was born of a virgin: this, and this alone, is what is implied in the promise of the seed of the woman bruising the head of the serpent." Such are the words explanatory of this passage from Protestant commentators; in comparing which with the Catholic note, it will be observed that, whereas the two former both refer to the Virgin Mary by name, as the honoured medium of prophetic fulfilment, in the last her name is not mentioned.

We hope Dr. Sadleir's remarks on this, as indeed on every other point to which he alludes in his excellent pamphlet, will not be considered superfluous.

"In this passage," he says, "the Douay translation differs from the authorised version. We prefer the authorised version, and accordingly follow it nearly in the text; but at the same time we tell the pupil that the difference exists. It is what he assuredly will be told sometime or other, what every body knows, and I cannot see what surrender there is of divine truth in telling it him at once; particularly when that telling is for the purpose of explaining to him that his own Church considers the meaning of their version as the same with the meaning of ours, namely that the passage refers ultimately to our Saviour. And that we do, not in our own

words or on our own authority, but in the words and authority of the editors of their own version, given under the sanction of their own church. We do so for the purpose of preventing them from being in future prejudiced against our version, by being told that Protestants had altered this text. To such a charge their education in this respect will suggest to them an immediate answer, namely that the editors of their own version have declared the difference not to be material."

We have seen that in recommending these extracts the Board of Commissioners are charged not only with mutilation, but an absolute wresting of the Scriptures from the hands of Protestants; and as the remainder of our remarks will be confined to the two volumes (others are in preparation) of the New Testament, let us inquire first what are the leading topics on which children should be instructed, in order to lay the foundation of a sound evangelical education. We apprehend that there cannot be two opinions: the answer will naturally be, a knowledge founded on Gospel authority of those chief truths which can make them wise unto salvation. And accordingly, as economy as well as condensation are important in furnishing adequate supplies, it is obvious that that portion of the New Testament containing the most useful materials ought and would be preferred. Had extracts for this purpose been taken from each of the Evangelists, there might have been grounds for suspecting partiality, design, or some hidden unforeseen controversial mischief. An entire Gospel was therefore the safest choice; the only remaining question consequently was, which to select. Most probably had this rested with the Catholics, who it is asserted are hostile to the diffuse knowledge of the Gospel, St. Mark's would have been chosen, first because it was the shortest, and secondly because from St. Mark's supposed connection with St. Peter, ("Marcus, discipulus et interpres Petri, quæ a Petro annuntiata erant edidit." Iren. lib. 3. ch. 1.) it might have been thought more favourable to their views. The preference was however given to St. Luke, amongst other reasons because it contains much more matter than any of the others, and forms a continuous narrative, in conjunction with the Acts, which were written by the same hand and under the immediate sanction of St. Paul, the two together being in fact but one continued Gospel. And we have moreover the express declaration of its inspired author, (Acts i. 1.), that the Gospel of St. Luke is

peculiarly valuable, as containing "ALL that Jesus began both to do and to teach." A tolerably strong refutation this of the assertion that the object of the Board is to conceal the truth and undermine Protestantism. In truth it would be a libel upon these Apostles, to suspect that their writings, — written for the especial purpose of "satisfying the inquiries, and being adapted to the situation of the Gentile converts" (see Dissertation on Gospel), and relating divers things more copiously than the other Evangelists, and especially treating "of those things which relate to the priestly office of Christ," — did not contain all the doctrines of our faith; and that he therefore, be he who he may, Protestant or Catholic, who is instructed therein will become to all intents and purposes a Christian, cognisant of all things necessary to his soul's salvation. Boldly and unhesitatingly we repeat this, and call upon those who deny it to come forward and proscribe St. Luke and St. Paul as teachers unworthy of credit, and denounce those who have selected their Gospels "as demagogues sitting in secret divan to uproot the Protestant religion," by the admission of such extracts from the Scriptures "*as shall leave the children in ignorance of the divine origin of the Word of God, and of the essential doctrines and duties of Christianity;*" such being the words, which we quote in italics, forming part and parcel of a string of resolutions proposed at the great meeting at Glasgow in 1832, and repeated in terms more or less similar at every Protestant meeting throughout the land.

Were we to present our readers with a list of the alleged secret designs of the Board, they would have fair reasons for supposing that we meant to insult their understandings by inventions of our own, so singularly puerile and trivial are (we might safely say) the whole of them. For instance, to Luke xxii. 31. "And the Lord said, Simon, Simon, behold Satan hath desired to have you, that he may sift you as wheat," is affixed the following note: "*You*, is here plural, including all the disciples; afterwards he addresses himself particularly to St. Peter." Upon this the writer of that very clever pamphlet on the supposed forgery of Pope Gregory's letter observes: "It is not pretended by the objectors that this is a false statement, nor even that it differs from the authorised

"version; as the term 'you' is however commonly employed in a singular sense in modern English, the reader was likely to overlook the just meaning of the passage unless his attention were especially directed by a note. The objection however is, not that the note is false, but that it points out the exact meaning of the words and tells the real truth." We have heard it repeated over and over again, and no doubt many of our readers have heard it also urged as one of the insidious designs of the Board of Commissioners, that the selections actually sanctioned the Roman Catholic doctrine of Penance, by substituting that word for Repentance in Luke iii. 3. But so far from this being the fact, the Protestant Board, no doubt contrary to the wish of the Catholics, induced the latter to give up their version and allow the retention of our own, and thus it accordingly stands in the Selections: "And he came into all the country about Jordan, preaching the baptism of *repentance* for the remission of sins;"—the Douay version rendering it "preaching the baptism of *penance* for the remission of sins." Whether our word "repentance" is strictly correct, we leave to the decision of more learned critics; we indeed believe it to be a fair representation of the Apostle's meaning: at the same time in equal fairness we are bound to state, for the information of our unlearned readers, that the meaning of the Greek word is simply "change of mind," a compound from the two Greek words *meta* after and *noeo* to think, which at all events allow of some latitude in the mode of interpretation; and which, whether right or wrong is another question, the Vulgate, the most ancient translation of the Scriptures into Latin, pronounced by the editors of the Oxford Greek Testament, 1675, to be a translation with which no other version in any language could be compared, has rendered by the word "*pœnitentia*," which the Catholics conceive to be synonymous with the word penance. We think them wrong, but, as we have said before, that is another matter. To return however to the charge, a note is appended stating the meaning of the words as received by Protestants and Catholics, which is followed up by the following remarks:

"We shall render the Greek words in question by the English words *repentance* or *penitence* and *repent*. For Roman Catholics, including under the words *repentance* or *penitence* not only internal sorrow for sin with

purpose of future amendment, but also a disposition on the part of the penitent to manifest his inward sorrow for sin by penitential works, do in fact include in the word *repent* all that they mean by the phrase *do penance*; whereas, although the word *penance*, according to Roman Catholic doctrine, essentially implies internal sorrow for sin, it conveys to Protestants only the idea of certain austerities or voluntary sufferings, or at least certain exercises peculiar to the Church of Rome. It is obvious therefore that, while Roman Catholics are in no danger of being misled by the use of the words *repentance* or *penitence*, Protestants would be in danger of being misled by the use of the words *penance* and *do penance*."

And for this clear and unpretending explanation, which every candid reader must acknowledge to be a concession from Catholics to Protestants, (the verse in the selections being precisely as it stands in our authorised version,) all that malice can invent or misrepresentation insinuate has been heaped upon the authors.

We were about to close our remarks with this specimen of criticism, when a report of what is called a Protestant Meeting at Liverpool was placed in our hands; and from it we shall make an extract from the speech of Mr. H. M'Neile, a popular preacher we believe in that town, who reiterates the groundless charge against the Archbishop of Dublin of violating his faith with the public, because in those extracts ten verses are omitted in St. Luke,—the only omission we are aware of in that long Gospel,—and the context filled up by a brief though, to every reader of plain and unprejudiced mind, a clear and satisfactory paraphrase, in which there is not the slightest shadow of a compromise of a single particle of Protestant principle. If indeed, the omission was caused by the Catholics insisting upon the insertion of their version instead of ours, which was most probably the case, the Archbishop, so far from meriting censure, is entitled to the highest praise for a judicious arrangement, by which it is obvious that the Catholics were the sufferers; since in the paraphrase their interpretation is omitted and our meaning retained. But before we continue our remarks, we must give the promised extract in the words of the published report.

"The verses omitted," says Mr. M'Neile, "contained the address of the angel Gabriel when sent to the Virgin Mary. It was written in all the manuscripts, so that there was no resource for equivocation, 'Hail thou that art highly favoured!' Now when they came to transcribe that into the Selections a difficulty flashed in their faces. The Protestant members

of the Board would naturally follow the original version, 'Hail thou that art highly favoured!' but if that had been done, one of the sweetest anthems of superstitious melody that floated upon the ears of Romish worshippers in their daily oblations would have been removed from the text, and what would have become of 'Hail Mary, full of grace?' (Much laughter and cheering, occasioned by the sarcastic and comic emphasis with which the reverend gentleman delivered the words.) The Roman Catholics would by no means away with 'Hail Mary, full of grace!' The Protestants would not admit 'Hail Mary!' and what was to be done then? Put into a pair of brackets, and avow the necessity of an actual transcription of what the angel said. That was done, the paraphrase was given, and it had been declared by an honourable counsellor of their own town—(the reverend gentleman was interrupted by a storm of laughter and cheering) They really should not begin to applaud in the middle of a sentence, they put him out—That paraphrase had been pleaded as a justification for the omission of the verses. There was at the end of every chapter in the Irish Selections an instruction to the masters to ask certain questions, a list of which was given, in reference to the chapter just read. Now after this chapter these questions occurred; 'How did the angel address her?' An intelligent child would look back to the chapter to see how he addressed her, and there was no address, there was a paraphrase; so that was rather a hard question for the child. 'What more did he say to her?' was the next question. Now be it remembered that the masters of most of the Irish schools were Roman Catholics. The child when he came to a non-plus would apply to the master, and what would the master say if he were a Roman Catholic? 'Hail Mary, full of grace!' That was what he would say (cheers and laughter). Thus Protestant children would be taught to say that the angel had said 'Hail Mary, full of grace!' which the Bible did not record, but which was one of the traditions of the infallible Church. He had another document to read to them, and they had his full permission to laugh heartily as they pleased at it. He did it partly for the purpose of making them laugh at the Board, and partly to show the utter nonsense of attempting to put four clergymen in four corners of a room, and adding somebody in the middle (laughter). They laughed at that, and they did well, for it was a most absurd system."

We have not room for much more of Mr. M'Neile's effusions: suffice it to say, (as the Report proceeds to state,) in order to give his willing audience a burlesque representation of their schools, "the reverend gentleman convulsed his audience with laughter by the rich brogue and genuine humour with which he read the *soi-disant* schoolmaster's account of his perplexities, and he himself seemed to participate heartily in the general merriment!!" He then repeats the old charge, assuring his hearers "that the system of education was an underminer of Protestantism and that it ex-

"cluded the Scriptures," and again repeats his reasons for reading his document, namely that he did so "merely to make them laugh at the Board, and he laughed heartily himself as he did it. (Cheers and laughter.)"

We will leave our readers to make their own comments on the tone, style and buffoonery displayed on such an occasion, and in such company (the whole body of Liverpool clergy, as the Report states, being present, and not one of them calling him to order,) from a minister of the Gospel, and one whom we conclude would consider himself affronted by being classed otherwise than an educated gentleman, and from whom therefore the Christian world has a right to look for decency, courtesy, good breeding and scholastic knowledge; and annex the two versions of the passage which has called down such animadversion. Luke i. 28. "And the angel came unto her and said, Hail *thou that art* highly favoured; the Lord is with thee: blessed *art* thou amongst women." Such is the authorised version. That from Douay stands thus: "And the angel being come in said unto her, Hail full of grace, the Lord is with thee; blessed art thou among women."

Now, unfortunately for his accuracy, Mr. M'Neile asserts that the words "Hail thou that art highly favoured" were "written in all the manuscripts, so that there was no resource for equivocation:" for, in the first place, three out of these six words, "*thou that art*," never existed in any manuscript whatever, being interpolated expletives, confined moreover to our version and not to the Douay. Had the reverse of this been the case, he most unquestionably, and with some appearance of justice, might have referred to them as Roman Catholic interpolations pointedly alluding to the Virgin Mary. In the next place, the words "highly favoured" are not those which a translator wishing to give the exact idiom of the language would select; he would have said "highly graced," in which words the passage is accordingly rendered in the marginal references and notes attached to our authorised versions; the Greek word being a derivative from *χάρις*, which every school-boy knows means *grace*; and thus in the Vulgate, already alluded to as being incomparably the best translation from the original language by critics worthy of credit, it is rendered "*gratia plena*," full of grace. The fact is that grace and favour

are nearly synonymous; but, if any preference is due to the one instead of the other, it is to the former, and it is accordingly thus construed we believe almost always in the Douay, and generally in our own version, which translates it by the latter word "favour" only five times out of about one hundred and twenty instances in which it is used. But supposing that our translators had designedly substituted "highly favoured" for "highly graced" or "full of grace," because they conceived the latter terms as an undue exaltation of the Virgin, what will Mr. McNeile and *id genus omne* say for this substitution in the very next chapter, Luke ii. 52. where our Saviour is spoken of as increasing "in *favour* with God and man;" the Douay, as before, giving it the original meaning, "in *grace* with God and man?" By parity of such reasoning as Mr. McNeile's, as the Virgin Mary is unduly exalted by the applied term *grace*, so in that proportion must he the Saviour be unduly degraded by the term "favour." But we are sick at heart at such childish quibbling got up to serve we hope a mere ephemeral purpose of impeding the progress of an experimental system, which for party reasons some persons deem it expedient to oppose. In sorrow more than in anger we speak, and in truth and sincerity we may say that it is with indescribable pain we thus see men and preachers of the Gospel, whose duty it should be to soften and soothe, instead of irritating and inflaming; whose daily and hourly occupation it ought to be, if they really wished to witness an approximation to the will of God, done on earth as it is in heaven, to allay rather than raise and perpetuate the storm, before moreover a mixed assembly, consisting as we are assured of two thousand persons, most of them women, whose feelings are more excitable, and whose education precludes them from judging of controversial theology, and who are therefore more prone to prostrate their own understandings before any favourite enthusiastic preacher, on whom they put their faith, and from whom they imbibe prejudices and misrepresentations which pass for Gospel truths;—we repeat, it is indescribably painful to witness such attempts made by fiery partisans, to disseminate hatred and malice and all uncharitableness between the members of the two most numerous classes of religionists in the British empire. It must be obvious to every individual, possessing the

slightest discrimination or forethought, that conduct like theirs, so far from producing anything approaching to Christian peace in our controversially vexed realms, cannot but add in a fearfully increased ratio to all the ills (and no ills or evils can be worse) which religious rancour or bigotry on both sides can fan into a flame. Of Mr. M'Neile we know nothing, but we suspect that he ought to be amongst the last of men entitled to cast a stone against the absurdities and aberrations of Catholics; for, if report speaks true, (and we believe his writings avow it,) they might retort upon him the advocacy of millenarian opinions, in the estimation of the greater part of sober-minded and rational Christians nearly as absurd and fantastic as the rhapsodies of Johanna Southcote and the Irvingites; and all have a right to expect that he should be ready to answer the question of those who would demand of him, "Why beholdest thou the mote that is in thy brother's eye, but perceivest not the beam that is in thine own?"

We shall conclude with a few brief remarks (though gladly would we expand them, had not our article exceeded the usual bounds) upon the character and pretensions of the Selections; and we cannot do better than permit them in the first place to vindicate themselves, by appealing to a candid public from the pages of their introductory preface.

"These lessons are drawn from the sacred volume, and have been compiled in the hope of leading to a more general and more profitable perusal of the Word of God. The passages introduced have been chosen, not as being of more importance than the rest of Scripture, but merely as appearing to be most level to the understanding of children and youth at school, and also as being the best fitted to be read under the direction of teachers not necessarily qualified, and certainly not recognised, as teachers of religion. No passage has either been introduced or omitted under the influence of any peculiar view of Christianity, doctrinal or practical."

And in the translation made, viz. from a comparison of the authorised and Douay versions, the translator repeats,

"that he has not been influenced in his rendering of any passage by reference to any peculiar religious views: a few notes, chiefly explanatory and practical, have been added." Again, "Nothing is more remote from the intention of the compilers than either to offer them as a substitute for the whole Bible, or to seek to supersede in any degree by means of them the authorised version of the Established Church." The truth is, "that they are not intended to supersede anything, but to convey to the minds of children truths and precepts drawn directly from the Word of God

itself; with which, whatever be the denomination of professing Christians to which they belong, it must be of the highest advantage to them to be familiar."

Such is the Prospectus issued by the compilers; and, after a careful examination, we pronounce that they have faithfully fulfilled their promise, and directly and positively do we contradict the assertions of those who have held them up to public obloquy as designing mutilation for the basest of purposes. In form and extent they more nearly resemble the well-known Selections of Mrs. Trimmer, recommended by the Society for Promoting Christian Knowledge to be used in our national schools. We consider them, and we speak advisedly and practically, as far superior to Mrs. Trimmer's. First, because they possess the peculiar advantage of not being divided into chapters and verses,—an objectionable mode introduced by one of our earliest printers without sanction or permission of any ecclesiastical authority, and which has been strongly objected to by many respectable clergy as productive of "glaring mischief" and impairing the thread of the narrative. Secondly, passages from the Epistles, or other portions of the Scripture, are occasionally introduced as illustrative of particular subjects. Thirdly, the notes are plain and simple, and anything but controversial, and admirably adapted for the most part to throw light on the customs and manners of the times in which they were composed. And lastly, there is a list of such words as might be supposed beyond the reach of children's understanding, and a few excellent questions calculated to insure their comprehension of what they have been perusing. With respect to the idiom adopted, it is, as the compilers say, a compound of the authorised and Douay versions.

Accustomed as we of the Church of England are from our youth upwards to associate Scripture passages with one peculiar phraseology, we should certainly have preferred an adherence to our own version, which on the whole we consider preferable to the Douay; but at the same time we feel equally bound to add that, on a careful comparison, we have sometimes been obliged to acknowledge that the Douay is occasionally superior to our own, both in correctness of meaning and beauty of language; at all events, they, generally speaking,

resemble each other so closely, that if by a few trifling verbal sacrifices so large a portion of the Scriptures is rendered acceptable and unobjectionable to the Catholics, we think the compilers not only perfectly justified, but imperatively bound to act as they have done. In fact, taking them as a whole, we never met with a better selection, and very sincerely can we recommend them to every schoolmaster who has a chance of receiving Catholic scholars amongst his Protestant classes.

With respect to the charges against the schools, the public are little aware, but we are ready to prove it if required by evidence founded on inquiry and facts, that they afford certainly as much, and in some instances more, time for Scriptural improvement, even from the authorised version itself, than the greater part of—we feel more inclined to say, any—of the national schools we have inspected on this side the water. We mean that a Protestant clergyman, ready and willing to do his duty and watch over the religious progress of his youthful flock, will find a greater number of hours of which he may avail himself, devoted directly or indirectly to the study of sacred truth, than he will find in the usual routine of school-work as now practised in this country. In corroboration of our assertion we cannot do better than again quote from Dr. Sadleir, who calculates, from a careful comparison of the respective numbers, that on an average the Irish schools would consist of ten Protestant children only out of one hundred and ten, the remainder being Catholics. “For these ten children,” he says, “there are one or two days of the week besides Sunday set apart for exclusively Protestant religious instruction. There is also one or more hours before or after the commencement of the ordinary business of the school, which may, if the manager of the school, or the parents of the children, or the clergyman of the parish so wish, be devoted to the same purpose; and the Bible will naturally be the basis of this instruction, and is virtually recommended, and would if necessary be insisted on by the Board of Education.” We appeal to any candid person, conversant with the regulations of our national schools, confident that his answer will be, that in none of them is a larger portion of time allotted to religious knowledge.

One word more and we have done. Whether the great expe-

periment now attempting by the National Irish Board for the education and civilization of the lower orders will answer, is known only to Him whose eye penetrates into the secret workings and motives of men's hearts. But this we do know, and by it we will abide,—that if the experiment does fail, if the Catholics are doomed to remain ignorant and barbarian as heretofore, the blame most unquestionably rests on those who spare neither labour nor pains in exasperating the public mind, exciting the most deadly hatred and prejudice against those who, whatever may be their ultimate success, are at least devoting themselves to a good and godly work, for which, instead of reproach and hostility, they deserve the thanks and unanimous support of all who believe that in proportion as we remove ignorance do we undermine superstition. “Can we wonder that Popery should increase in Ireland; or that disaffection, turbulence, disorder and licentiousness of every kind, with their parent ignorance, should prevail there?” Such are the remarks of the *Christian Observer* (a work written in a very different spirit from its sister periodical which we have quoted in the preceding pages) on the state of torpor, absenteeism and apathy heretofore displayed by the Irish national Church; and cordially do we say Amen! to their expressed hope, “that a brighter day will speedily begin to dawn on that wretched and neglected country.”

ARTICLE VIII.

1. *Report of the Committee on Joint Stock Banks.* 1836.
2. *Speech of WILLIAM CLAY, Esq., M.P., on moving for a Committee on Joint Stock Banks, with Reflections and Remarks.* Ridgway, 1836.
3. *Letter to Lord Melbourne on the Cause of the recent Derangement in the Money Market and on Bank Reform.* By Col. TORRENS, F.R.S. Longman and Co., 1837.
4. *Causes and Consequences of the Pressure upon the Money Market.* By J. HORSLEY PALMER, Esq. P. Richardson, 1837.
5. *Reflections suggested by a perusal of Mr. J. Horsley Palmer's Pamphlet on the Causes, &c.* By SAMUEL JONES LOYD, Esq. P. Richardson, 1837.
6. *Observations on the recent Pamphlet of J. H. Palmer, Esq.* By SAMSON RICARDO, Esq. Knight, 1837.

THERE appears to be a tendency in the affairs of a commercial community to be always oscillating about the point which may be termed the natural or average course of trade. Amongst a people in an advanced stage of civilization and whose country has become populous, the power of production is very great, and a want of sufficient and effective demand for their commodities is often experienced. In such communities too restraints on, and impolitic interference with, the free application and disposal of labour and capital, (the relics of an age less civilised,) and the existence of local or class interests, usually operate to divert commerce and the arts of life from a regular and steady current. The variations in supply and demand of necessities and commodities which arise from natural causes, and which lead to speculations more or less judicious on the part of individual traders, occasion ebbs and flows in the tide of commerce. From these causes and others which will occur to the mind of every one conversant with economical science, the oscillations to which we have alluded have their origin; and as in physics action and reaction are equal, so in trade an impulse of considerable force in a particular direction is sooner or later followed by a repulse to a closely corresponding extent. And such oscillations would

take place to some amount even if trade were conducted by barter, its first and most simple form. The success of earlier adventurers in any line of trade would either lead them to overproduction or overtrading, or induce others to occasion such a temporary individual evil. By overproduction we of course mean the production of an excess of particular commodities beyond the actual demand: it is in that sense only that overproduction can take place. And the same principle applies to overtrading. But in the actual state of things we have another element entering into all modern commercial transactions, which being itself subject to other and independent variations, becomes at one time a cause of fluctuation, at another aggravates fluctuations which have arisen from other causes. That element is the medium of exchange, in common parlance money. It is not necessary, nor would it be useful, to enter here into the principles which regulate a medium of exchange, further than to state that its value as compared with the commodities against which it has to be exchanged depends upon its total quantity as compared to those commodities; and that to secure steadiness in the value of the medium of exchange is the great desideratum of monetary science. It must be clearly understood that it is not the absolute but the relative quantity of money which determines its value, for if the number of exchanges which a given quantity of currency has to perform is increased, in other words, if trade is thriving, the amount of money remaining the same, its value in relation to commodities would be increased, and a variation in prices would take place solely from the operation of the circulating medium. In the case supposed prices would fall. If on the other hand money should be increased, exchangeable commodities remaining the same, prices would rise; because in the one case a greater quantity of commodities would be exchanged for the same quantity of money; in the other, a greater quantity of money would be exchanged for the same quantity of commodities.

It can scarcely be necessary to mention that the above statement assumes the intrinsic value of both commodities and money to remain the same, as, for instance, that the nominal sum of one pound always means a given quantity of metal, and that commodities are produced at their accustomed cost.

In devising a plan for regulating the circulating medium of a community the object to be sought is to render money, under all circumstances, of the same relative value to commodities; and consequently as its value must depend upon its quantity, its volume should increase with every additional demand for its use in the precise ratio of that demand, and decrease in a like proportion with every diminished occasion for its employment. By universal consent some commodity having an intrinsic value, such as silver or gold, has been adopted as the usual medium of exchange, or the standard by which that medium is measured. For such commodity most commercial nations have substituted to a great extent a cheaper and more convenient paper representative, sustained at the same value as the commodity selected by being directly convertible on demand into the commodity itself. This is in theory the actual state of our own medium of exchange.

So far the way is clear, for the principles to which we have adverted are admitted on all hands; the difficulties and differences arise in their practical application. And here we enter upon a perplexed and troubled scene, through which it shall be our endeavour to conduct our readers, pointing out on all sides the various dangers as well as the remedies proposed by the several contending parties. We shall afford all means of judging impartially of the weight to which each is entitled, but we shall not shrink from offering our own free and deliberate opinion, satisfied that if we do not convince we shall have collected materials for the sifting and discussion of this important subject. By full and free discussion the truth will ultimately be elicited.

The causes which in 1797 led to the Bank Restriction Act, by which the Bank of England was relieved from the obligation of paying her notes in gold, which rendered those notes a legal tender, and thereby made the issues of that establishment strictly paper-money, are now matters of history, and it would be supererogatory to go over them. Suffice it to say, that the Directors of the Bank of England acted as all issuers of paper money have acted when relieved from the necessity of providing metals of intrinsic value to retire their issues. The amount of notes emitted was so excessive that in the year 1814 the average depreciation of Bank paper below its nomi-

nal value was 25*l.* 2*s.* 6*d.* per cent., whilst in 1812 that depreciation amounted to 20*l.* 14*s.* 9*d.*, in 1813 to 22*l.* 18*s.*, in 1815 to 19*l.* 14*s.* 3*d.*, and in 1816 to 16*l.* 14*s.* 3*d.* per cent. respectively. In 1819 the Act, commonly called Peel's Act, provided that cash payments should be resumed in 1823, but the Bank Directors having accumulated a considerable stock of gold recommenced paying in cash on the 1st of May 1821. By the Bank Charter Prolongation Act of 1708 it was declared that during the continuance of that corporation "it should not be lawful for any body politic, erected or to be erected, other than the Bank of England, or for other persons whatsoever, united or to be united in covenants or partnership, exceeding the number of six persons, in England, to borrow, own, or take up any sum or sums of money on their bills or notes payable on demand, or in any less time than six months from the borrowing thereof." The practical effect of this clause, previously to the recent Act of 7 Geo. IV., c. 46, was to confine the number of partners in all banking firms issuing notes to the number of six persons, and has given the Bank of England a complete monopoly of the circulation of the metropolis. So far as relates to London no alteration of the circulation has been effected by that Act. There is no prohibition against the issue of notes by banking firms of the metropolis consisting of any number of partners not exceeding six, but it must be evident such firms could not attempt to compete with a chartered establishment like the Bank of England. The London bankers have therefore never been issuers of their own notes, but use those of the Bank of England. In 1826, in consequence of the events in the money market of the preceding year, to which we must presently advert, the Bank of England, at the instance of Lord Liverpool's ministry, gave up the exclusive privilege of forming the only partnership containing more than six members entitled to issue notes; and a law was passed enabling any number of persons to form banking firms and to issue notes at any place not within *sixty-five* miles of London. The complete monopoly of the London circulation therefore still remained in the hands of the Bank of England, and the new law was only calculated to raise up formidable competitors to the previously existing country private banks.

The Charter of the Bank of England would have expired in 1833, but by an Act passed in the early part of that year it was prolonged for ten years. For the avowed purpose of encouraging the substitution of the notes of the Bank of England for all other notes, its paper was made a legal tender for sums above five pounds. How far the purpose of the framers of this part of the act has been answered, and the extent to which it was calculated to answer that purpose, will be shown hereafter. One obvious effect has been to induce all other issuers of notes to rely with more entire confidence upon the Bank of England as the guide by which to regulate their own operations, and has devolved upon that establishment a large increase of responsibility. It is questionable whether such a trust can be safely confided to any single establishment; that the Bank of England can never as at present constituted duly perform that trust seems to be demonstrated in the various tracts placed at the head of this article. For the last fifty years the monetary affairs of this country have been subject to the most violent and ruinous fluctuations, each of which has been attributed by the Government of the day and the then influential parties in the money market to some external and uncontrollable cause.

We shall not detain our readers by going through the panics and fluctuations which occurred previously to 1813, but will concisely narrate their history from that period. In 1813 our intercourse with the Continent which had been so long suspended was renewed, and the high prices of agricultural produce, which had been kept up during the war by scarcity, originating chiefly from a state of war, together with the stimulus afforded by unlimited abundance of inconvertible money, began to fail. The value of our currency was then subjected to the test of a comparison with the currencies of other countries, and a light broke in upon the minds of our traders by means of which they perceived the futility of all attempts to give, by resolutions of the House of Commons or other expedients, real value to a currency vastly exceeding the wants of the community. They found in their dealings with foreigners no resolutions could make a note intrinsically worth only 15*s.* pass at its British nominal value of 20*s.*; and that the system which attempted to counteract each successive depreciation

of money by an increased quantity of paper, still more deeply degrading the currency, was founded upon false principles, and must ultimately end in the destruction of a medium of exchange. To continue such a system must finally have compelled the community to revert to trade by barter. But these views were not then generally understood, or at all events were not adopted by the commercial world at once; the truth was forced upon all classes solely by the stern teacher experience: for although in 1814 the price of wheat had fallen from 6*l.* per quarter, the price of 1813, to 4*l.* 5*s.* a quarter, the prices of other agricultural produce having undergone a proportionate depression; and although some country banks had failed under the pressure this produced in the country districts; such had been the increased issues of paper that the currency which in 1813 was only intrinsically worth 77*l.* 2*s.* per cent. of its nominal value, was in the next year further depreciated to 74*l.* 17*s.* 6*d.* per cent. Agricultural prices still fell, and with them fell more country banks. In the years 1814, 1815 and 1816 no fewer than 240 country banks stopped payment, and 92 commissions of bankruptcy were issued against these establishments. This produced widely spread ruin and universal distress, and occasioned such a reduction in the amount of money in circulation, that during the years 1817 and 1818 the depreciation of paper money did not exceed 2*l.* 13*s.* 2*d.* per cent. Country bankers who had ever contemplated a demand upon them for some equivalent for their own notes must have provided themselves with a certain portion of the legal money of the period, namely, Bank of England notes; for the fact that gold coin was actually worth 5*s.* in the pound more than a one pound note put a complete negative upon the option of paying in gold. The Directors of the Bank of England therefore had the power of checking the excessive issues of the country bankers by limiting their own supplies of paper to those money-dealers, and by selecting the securities upon which their own notes were advanced. They had the state of the foreign exchanges, accurately measured by the price of gold, as a guide to regulate their transactions and warn them of the extent to which money had been issued in excess. It was therefore absurd on the part of the Bank Directors of that day to throw all the

blame of over-issues upon the country banks, for they had it within their own power to check them at any point they might have thought fit.

Let us see whether the then Bank Directors did so exercise their powers. In 1808 the total amount of Bank of England notes in circulation was 17,365,266*l.*, when the degradation of paper money was only 2*l.* 13*s.* 6*d.* per cent, and the price of wheat was 3*l.* 19*s.* 2*d.* per quarter; in 1810 we find the Bank circulation increased to 22,437,728*l.*, the depreciation of paper to 13*l.* 9*s.* 6*d.* per cent, and the price of the quarter of wheat advanced to 5*l.* 12*s.*; in 1812 the Bank circulation had risen to 23,482,910*l.*, and the quarter of wheat to 6*l.* 8*s.*, whilst paper money had further fallen to 20*l.* 14*s.* 9*d.* below its nominal value. The attempt to keep up prices by mere abundance of money was still pursued, until in 1814 the amount of Bank of England notes in circulation was (in the month of August), 28,979,876*l.*, the currency being at that time degraded 25*l.* 2*s.* 6*d.* per cent.

Here we have the Bank Directors leading on the van of the issuers of money, and we think it not too much to make them responsible for some of the mischiefs which it was within their power to have prevented. At least we must throw the blame upon the whole body of inconvertible money-makers, and leave them to share it amongst them; and we suspect those who had so large a share of the profit must sustain an equally large share of the blame. It became evident to all men acquainted with monetary science, that the resumption of cash payments had now become a matter of imperative necessity. Upon Mr. Horner's motion in 1816 on the resumption of cash payments, Mr. Huskisson said "no inquiry was necessary into
" the expediency of resuming cash payments, for all agreed
" that there was no security for property, no stability in public
" credit, no confidence in trade, no mode of adjusting the rights
" and consulting the interests of all classes of society, without
" a circulation rendered steady by possessing a permanent and
" universal value." This was acted upon three years afterwards by the enactment of Peel's Act. It has been much debated whether it would not have been better at that time to have adopted a lower standard than the old mint price of gold, 3*l.* 17*s.* 10½*d.* per oz. Although some plausible reasons may

be urged in favour of a lower standard, it must be borne in mind that all transactions since the passing of the Bank Restriction Act had in fact been calculated with reference to the old standard; all the rise of prices consequent upon variations in the value of money was merely nominal, and had arisen from a cheap depreciated currency. It follows therefore that all who regulated their dealings with any reference to the value of money, and every one must have done so directly or indirectly, had really adjusted his liabilities and his assets by that standard. To have lowered the standard would have benefited actual debtors at the expense of actual creditors, but that measure alone could have had no other effect. The contraction of the currency and consequent appreciation of money which occurred upon the return to cash payments arose, not from the difference of four or five per cent. in the value of the standard, but from establishing a standard of intrinsic value. All issuers of notes, especially the Bank of England, might then be called upon to give actual value in exchange for their notes; and this diminished the number of notes issued.

Here again the circulation of the Bank of England will afford us a pretty accurate measure of the diminution which the currency had undergone from returning to a standard of intrinsic value. Pending the destruction amongst the country banks in 1815 and 1816, the circulation of the Bank of England, which had been somewhat reduced from its highest amount of nearly twenty-nine millions in August 1814 to twenty-five and a half millions in 1816, ascended again in 1817 to twenty-seven millions, and progressed upwards until in August in that year it reached 30,099,908*l*. This vast increase of the Bank issues must be accounted for in the first place by the distrust of country bank paper which was necessarily widely diffused; and secondly, from the agriculturists having in the mean time procured a corn law, by means of which they expected to retain the high prices they had been accustomed to during the late war, and to which, with the usual improvidence of men falling upon sudden and unearned wealth, they had adapted their ordinary present expenditure and their calculations for the future. From the first cause a demand for Bank of England paper greater than its ordinary proportion

to the whole circulation occurred. The second, by producing an artificial scarcity of food and raising agricultural prices, occasioned many new speculations, fostered by the still existing facilities for obtaining inconvertible money.

From this period the resumption of cash payments was constantly agitated in Parliament, and the issues of the Bank of England were gradually reduced, until in the August (1821) following the actual recommencement of payments in cash, the total circulation of that corporation was 20,327,740*l.* only; and in the August of the year 1822 had been further lessened to 17,768,340*l.*, being a reduction of two millions and a half in one year. It appears to us to be incontrovertible that it was not returning to *the* standard, but returning to *a* standard which occasioned the contraction of the currency and the low prices of 1821 and 1822. It has been said that in the interval between 1797 and 1819 the value of gold itself had increased from the diminished productiveness of the mines, but this increase must have been very small. Could it have been ascertained, an allowance to that extent on returning to a standard ought in strictness to have been made.

In 1823 a considerable revival of trade and agriculture from the depression under which they had laboured for the two preceding years took place. The new Republics of South America had been acknowledged by the British Government to be independent states, and an entirely new field for the employment of capital and enterprise was opened to the British merchant and manufacturer. That field was believed to be unlimited, and the avidity and ignorance with which men embarked in commercial ventures to those unexplored regions, and in loans for unknown and struggling governments, is almost without parallel in modern times. During the whole of 1824 and 1825 the wildest speculation was rife; a provident regulator of the currency under such circumstances would have used every effort to check the speculative mania, yet what was the course of the Directors of the Bank of England? In August 1823 their circulation, which had been in the August preceding 17,768,340*l.*, was expanded to 19,705,920*l.*, in August 1824 to 20,975,960*l.*, and in February 1825 to 21,060,130*l.*

At this time such was the apparent prosperity of the country, that a Chancellor of the Exchequer, Mr. Robinson, now Lord

Ripon, earned the soubriquet of "Prosperity Fred," from the ostentatious and unqualified claims in favour of the Government he founded upon it. Is it to be wondered that the country bankers did not exhibit more prudence than the Bank of England, or obtain more accurate knowledge of the foundation upon which the gaudy fabric of sudden prosperity was based than the Chancellor of the Exchequer?

It is true, the state of the exchanges, as an indication by which to judge of the propriety of enlarging or contracting their issues, ought at this time to have formed grave subject for the consideration of every country banker, but they were just emancipated from the leading-strings in which they had been held by the Bank of England, and the Bank policy gave no signs of approaching danger. The sphere of each country bank with six partners only must be comparatively narrow, and the undertakings and local speculations within the district of each must have appeared safe and limited compared with the desperate and gigantic schemes which daily found favour in the metropolitan money-market. In April 1825 the foreign exchanges had become so decidedly adverse, that the notes of the Bank of England were rapidly returning, and a heavy drain for gold upon its coffers was in active operation. Then the Directors began to perceive a necessity for contracting the currency, and they set about it so much in earnest that between February and August 1825 they reduced their own notes upwards of a million and a half. The effect of this contraction quickly produced a revulsion more than equal in violence to the previous elevation. All was danger and dismay. Several first-rate London banking-houses unable to realize their assets stopped payment. A run for gold was made upon the Bank of England, and that establishment was only saved from stopping payment by re-issuing one pound notes. Credit was totally destroyed, and was only restored by the issue within six weeks of five millions of notes by the Bank of England under the immediate directions of the Government. Such a convulsion necessarily led to a parliamentary inquiry, which ended in affixing all the blame of the redundancy upon the country banks, and that notwithstanding it was admitted that they had stood the panic better and with a proportionately smaller number of failures than the London houses. The

measures by which it was proposed to guard against such evils for the future were the establishment of joint stock banks to supplant the country banks, and the suppression of all notes of a lower denomination than five pounds. Of these measures it was supposed that the first would prevent any loss upon the notes of the joint banks, all the shareholders being liable to the full extent of their property; and that the second would get rid of sudden runs upon banks in general, and particularly on the Bank of England, such runs having been commonly observed to commence with the holders of small notes. The Act (7 Geo. IV., c. 46,) by which the formation of joint stock banks was permitted, formed the fruit of this inquiry, and upon the grounds just mentioned was conceived to afford adequate security against a recurrence of the then recent evils.

By that Act any number of persons might become partners in a bank, and might issue notes, provided it were situated sixty miles from London. No regulations were made to which banks must conform, except a periodical return of the amount of their circulations to the stamp-office, and the registration at the same office of the names of their partners or shareholders. No publication of their accounts was required, nor was any controlling power, either on the behalf of the public over the Bank or on the behalf of the shareholders over the managers, attempted to be established. This law was not very extensively acted upon for some time, for down to the end of the year 1832 only thirty of such banks had been formed. Some of them however had many branches, most of them had been eminently successful, and the principle of joint stock banking was evidently becoming understood and growing in favour with the public. In the course of the three following years thirty more joint stock banks were organized: some of them extended over large districts, and planted branches wherever there was a town considerable enough to support a private bank, with which the branch bank entered at once into active rivalry. This was a position of affairs which might easily become dangerous, if the Bank of England, instead of checking the obvious tendency to excessive issues on the part of the private and joint stock banks, should itself either enter into competition with them or afford them extraordinary facilities and assistance.

It is impossible to resist the conclusive evidence which the various documents we have placed at the head of this article afford, that the Bank Directors did not impose any such check, and have not proved the careful guardians of the common interest their advocates would fain make them appear. Be that as it may, the years 1835 and 1836 have witnessed a rage for speculation scarcely inferior to that of 1825. Experience of the past would seem not to have been altogether thrown away upon the public if it has upon the banks, and we find Mr Clay, the member for the Tower Hamlets, (one of the useful and able men introduced into the House of Commons by the Reform Act,) in the latter part of last session, moving for a Committee to inquire into the operation of the Act permitting the establishment of joint stock banks. Mr. Clay thus originated a Committee which has collected a body of evidence of considerable value; but neither he nor the Committee who appear to have adopted most of his views, have taken more than a very limited and partial grasp of their subject. Both Mr. Clay and the Committee entered upon the inquiry impressed with the notion that the constitution of the Bank of England is the model to which the joint stock banks should be made to conform as closely as possible. By the degree of that conformity the approbation or censure of the Committee appears to have been governed. At the same time many of the suggestions thrown out by Mr. Clay are applicable not only to joint stock banks but to all banks; he insists very strongly on the fullest and most complete publication of assets and liabilities, and gives as a precedent the following account:

" Bank of A, 31st Dec. 1836.

" Dr.	<i>Liabilities.</i>	<i>Assets.</i>	Cr.
"To promissory notes and bank post bills	£ 250,000	" By Cash in coin and Bank of England notes	£ 80,000
" Bills of exchange drawn or accepted	25,000	" Ditto in notes of other banks	25,000
" Depositors for money, of the withdrawal of which notice must be given	250,000	" Government stocks and exchequer bills (specifying the sums in each description of stock, &c.) .	300,000
" Ditto for ditto, on current accounts	250,000	" Bills of exchange 300,000 <i>l.</i>	
" Sundry liabilities not included in the above	25,000	" Ditto, over due .	10,000
" Proprietors for paid up capital	300,000	" Money advanced, viz.	400,000
" Ditto for unpaid dividends	5,000	" On deposit of title deeds or other securities .	120,000
" Reserve fund for undivided profits	35,000	" On collateral personal security .	68,000
" Balance of profit and loss account for six months to this date	10,000	" On overdrawn accounts current	120,000
£1,150,000			308,000
		" Doubtful debts, balance of account	25,000
		" Estimated value of offices, land, buildings, &c.	12,000
		—Clay, p. 77.	
			£1,150,000"

Such an account furnished every month by each bank to some central authority, which should be empowered to ascertain by inspection the accuracy of the statements, and published immediately in the Gazette and the local papers, would effectually prevent any such mismanagements as are detailed in some of the evidence given before the Committee. But Mr. Clay has three other nostrums upon which he seems to set at least as much value as he does upon publicity of accounts. These are limited liability for the shareholders, a large proportion of paid up capital, and a minimum nominal amount of shares. To each and all of these plans we must demur. By limited liability that perfect security derived from the im-

mense mass of wealth being the aggregate property of all the individual shareholders, and which constitutes one of the chief recommendations of joint stock banks, would be taken away.

The great peril of the banking trade consists in the temptations which occasionally offer to the managers of a bank to undertake hazardous operations with the prospect of large gains. A joint stock bank with considerable capital, the power to issue notes, and in good credit, may in times of commercial prosperity easily avail itself of some such opportunity. For a time those operations may, and probably would be perfectly successful, and the shareholders under the stimulus of a large dividend would readily sanction a continuance in the same course. Wider departures from prudent management would be the certain result. Now when the shareholders have found that such departures from safe banking principles will be sure at last to lead to great losses which must fall wholly on themselves, they will have a powerful motive for checking any inclination to overtrading their managers may exhibit. If instead of such complete liability the shareholders could only lose a limited sum, the whole of which may have been paid up, they will be less solicitous to examine with scrutinising eyes the processes by which their directors show them increasing dividends. They will feel that if a loss occurs much of it will be thrown upon the creditors of the concern. Mr. Clay's argument is, that if liability were limited, wealthy and cautious men who now hold off would be induced to become shareholders, and that the presence of such men would insure prudent management. In this argument the conclusion is clearly unwarranted by the premises, and it appears to us that Mr. Clay's view is one-sided and therefore erroneous. There are two sets of interests involved in this question, namely, the interest of the shareholders or the wealthy men who would gladly share in the profits and escape the risks of banking, and the interest the public have in a steady currency and sound banking system. Mr. Clay seems to have in view the first set of interests rather than the last, and thus, unconscious perhaps of his own bias, he proposes limited liability for the purpose of obtaining a wealthy proprietary, forgetting that such are the very persons to embark in a course of action from which the profit may be enormous, and at worst their loss cannot ex-

ceed a limited sum. Every possible good to be obtained from this plan might be had by requiring the whole capital to be paid up. Although the benefit of those who engage in the banking trade ought to meet with a fair consideration, the higher and larger interest of the public, in all legislation upon the subject, must be a paramount consideration. In that respect Mr. Clay's proposal of limited liability fails, and ought not to receive the sanction of the legislature.

The conduct of the holders of Bank Stock proves that limited liability and a wealthy proprietary are no securities for prudent management, for the Bank commonly undertakes risks which but for her peculiar privileges would bring her stability into great peril, and which we have shown act most injuriously upon the public interest. In this course she is ever urged on by the court of proprietors. Neither ~~are we~~ sure that a proprietary of *very* wealthy individuals is so desirable for a joint stock bank. The security to the holders of notes consists in the vast mass of property liable in the aggregate to meet demands, and the moderate dividend likely to result from steady management would be more consonant to the objects of a moderate than a large capitalist. Experience has shown that very rich men are readily induced to speculate. In this case they might do so with safety to themselves.

Paid up capital, unless it were strictly kept as a guarantee fund, would often lead to a too great facility in granting accommodation for the purpose of providing employment for that capital, and even if used as a mere guarantee, more extensive operations would be undertaken from the knowledge that there was such a fund to fall back upon in case reverses should occur. With respect to the nominal amount of shares, we think the public may be left to judge for themselves, and that all legislation upon this point would be superfluous. A bank with 10*l.* or even 5*l.* shares, prudently conducted, may be equally stable as one with 50*l.* or 100*l.* shares, and in certain districts may be the more useful of the two. That Mr. Clay's spirit animated the Committee may be seen from the following suggestions rather than recommendations for the amendment of the law, which are contained in their Report.

" 2. The law does not require that the deed of settlement shall be considered or revised by any competent authority whatever, and no precaution

is taken to enforce the insertion in such deeds of clauses the most obvious and necessary.

" 3. The law does not impose any restrictions upon the amount of nominal capital. This will be found to vary from 5,000,000*l.* to 100,000*l.*, and in one instance an unlimited power is reserved of issuing shares to any extent.

" 4. The law does not impose any obligation that the whole or any certain amount of shares shall be subscribed for before banking operations commence.

" 5. The law does not enforce any rule with respect to the nominal amount of shares. These will be found to vary from 1000*l.* to 5*l.*

" 6. The law does not enforce any rule with respect to the amount of capital paid up before the commencement of business.

" 7. The law does not provide for any publication of the liabilities and assets of these banks, nor does it enforce the communication of any balance-sheet to the proprietors at large.

" 8. The law does not impose any restrictions by which care shall be taken that dividends are paid out of banking profits only, and that bad or doubtful debts are first written off.

" 12. The law is not sufficiently stringent to insure to the public that the names registered at the Stamp Office are the names of persons *bonâ fide* proprietors, who have signed the deed of settlement, and who are responsible to the public.

" All these separate questions appear to your Committee deserving of the most serious consideration, with a view to the future stability of the banks throughout the United Kingdom, the maintenance of commercial credit, and the preservation of the currency in a sound state."—*Report of Committee on Joint Stock Banks*, pp. viii. ix.

These extracts plainly show the sources to which the Committee attribute the currency derangements.

The apprehensions which led to the appointment of the Committee have proved but too well founded. In August of last year the Committee made their Report, and in the same month the Bank of England, with the avowed object of effecting a large reduction of the circulation, raised its rate of discount to 5*l.* per cent. From this time the pressure upon the money-market has gone on continually increasing. The foreign exchanges continued adverse up to March last, and the most violent efforts have from time to time been made by the Directors of the Bank of England to bring them round in favour of this country. They sold exchequer bills until those securities had been driven down to a discount of 10*s.* and had become almost unsaleable; they refused to discount the paper of the first-rate merchants in the American trade, because a

heavy demand for bullion had existed in the United States; they prevailed on the Chancellor of the Exchequer to increase the interest on exchequer bills from $1\frac{1}{2}d.$ per diem, at first to $2d.$, and subsequently to $2\frac{1}{2}d.$ per diem. In Ireland all the banks for some weeks sustained a run for gold. The Agricultural Joint Stock Bank, the head office of which was in Dublin, with branches widely extended over the country, was compelled to stop payment. The run was finally stopped by the determination to pay Bank of England paper in exchange for the notes of the Irish banks, or by a virtual suspension of cash payments. In England two long-standing banks in Carlisle failed; a joint stock bank, "the Northern and Central," with branches in most of the large towns of the manufacturing districts, got into difficulties and applied to the Bank of England for assistance. Notwithstanding the still continuing drain for gold, and the convulsive efforts the Directors had made to contract the circulation, they felt themselves under the necessity of advancing 500,000*l.* to the managers of the Northern and Central Bank, as the only means of averting a fearful panic, which they believed would have been the inevitable result of a stoppage at that moment of such an extensive bank. This large advance was made upon the representations of the managers of the joint stock bank and without inquiry, for within a few weeks a further advance of another half million sterling was necessary to prevent a failure. Distrust became universal, and credit all but annihilated.

The old and respectable banking house of Esdaile and Company actually stopped payment; but again the Directors of the Bank of England stepped in, and in spite of their known desire to contract the currency, advanced a sum sufficient to enable that house to resume its payments. At one time the three per cent. consols had fallen more than 4*l.* per cent., and those securities, commonly so steady in price, subsequently rose one and three quarters per cent. in a single day, and fell to nearly the same amount during the two following days. The acceptances of the most wealthy houses could only be discounted at from 6*l.* to 7*l.* per cent., and the second-rate houses could scarcely obtain discounts upon any terms. With a view to effect a contraction of the currency, the Bank Directors endeavoured or pretended to endeavour to sell por-

tions of their very profitable annuity termed "the dead weight", but without success. They sent silver abroad for the purpose of bringing back gold in exchange. They are supposed to have adopted extraordinary devices by means of bills to affect the exchanges; yet their bullion continued rapidly to leave their coffers, and each successive monthly publication of assets and liabilities showed for a long time a decrease of available assets and an increase of inconvertible securities. Independently of the foreign demand for gold, it had been hoarded very extensively both in England and Ireland. Many merchants stopped payment, not from insolvency, but from mere inability to obtain the slightest accommodation by discounting, or to dispose of their commodities. We have heard of one house which suspended its payments with 100,000*l.* worth of tobacco in its possession upon which no one would advance a shilling.

The prices of manufactured commodities and foreign and colonial produce had fallen upwards of 40*l.* per cent. since July of last year, and could scarcely be disposed of in any considerable quantities even at such depreciated prices.

In the manufacturing districts workmen have been dismissed by thousands, and our whole commercial system for a long time seemed to be threatened with dissolution. An universal feeling prevailed that things had by no means come to the worst; greater distress and more extensive ruin were believed to be inevitable. The event has almost justified the most gloomy forebodings.

The natural inquiry is, whence does all this arise? An over-issue of money is the admitted cause. But how did that over-issue occur?

How is a recurrence of similar evils to be prevented? To these questions, which engross the mind of every merchant on Exchange, the inquiries of the Committee of last session afford no reply. Nor was it possible they should. That Committee was only empowered to inquire into the operation of the law regarding joint stock banks, an inquiry much too limited to reach all the possible sources of over-issue, and entirely avoided the greatest and most probable source, the Bank of England.

But the appointment of such a Committee showed that the public and the legislature had for some time been aware of the threatened mischief. No one was taken by surprise. The coming events cast their shadows before. The evils have happened; the commercial world has been kept, to use the words of a Bank Director, Mr. Horsley Palmer, "under a moral apprehension that mischief was abroad" for six months; and whilst the friends of the Bank Directors exclaimed "the joint stock banks have done it," three fourths of the trading classes, and every *disinterested* political economist, pointed to the Bank of England as the cause of the universal misery. All men looked for the meeting of Parliament, if not for immediate relief, at least to turn our present calamities to good account by instituting a searching investigation into their origin.

Would any man unacquainted with the perversity of British legislators believe, will any man twenty years hence understand, the policy those legislators adopted?

The Chancellor of the Exchequer moved to renew the Joint Stock Bank Committee of last session, upon which an amendment was proposed by Mr. Hume to extend the inquiry to the Bank of England, and the effect of the operations of that establishment upon the currency. This amendment was strenuously resisted by all the Whigs, by most of the Tories, and not a few of the self-styled Radicals. It was negatived by a considerable majority. No reasons were alleged by those who resisted inquiry. Their principle of action seemed to be a certain mysterious veneration for the Bank of England, alike unreasoning and unreasonable. The seconder of the amendment, Mr. Williams (member for Coventry), was called to account by Mr. Spring Rice for venturing to compare the issues of the Bank with its means of retiring those issues, as being likely to create "misunderstanding in the minds of the vulgar." This is pitiful conduct in the Government and legislature of a great trading community. If the Bank of England is the valuable institution its advocates pretend, the fullest inquiry would have made its merits more fully understood, and silenced the murmurs of all detractors. Why then have the Bank Directors re-

fused to submit to this test? The following pages will perhaps supply an answer. Though Parliament has excluded inquiry the public will not.

The letter of Colonel Torrens, with Mr. Jones Loyd and and Mr. Ricardo's pamphlets, may be taken as the fullest statements of the case against the Bank of England, and Mr. Horsley Palmer's pamphlet the official defence of that establishment. That there may be no mistake as to the principles by which the Bank Directors profess to be governed in their regulation of the currency, it will be necessary to look at the evidence of Mr. Horsley Palmer, given in 1832, before a Committee of the House of Commons on the renewal of the Bank Charter. Mr. Palmer was at that time Governor of the Bank, and was put forward as the mouthpiece of that establishment. He is still one of the most, if not the most influential Director. The following extracts are from his evidence :

" 72. What is the principle by which in ordinary times the Bank is guided in the regulation of their issues?—The principle, with reference to a full currency, and consequently a par of exchange, by which the Bank is guided in the regulation of their issues (excepting under special circumstances), is to invest and retain in securities, bearing interest, a given proportion of the deposits, and the value received for notes in circulation, the remainder being held in coin and bullion : the proportions which seem to be desirable, under existing circumstances, may be stated at about *two thirds*, and one third in bullion ; the circulation of the country, so far as the same may depend upon the Bank, *being subsequently regulated by the action of the foreign exchanges.*

" 73. By the circulation of the country, do you mean the whole circulation of the country, and not the country circulation?—*The whole circulation of the country.*

" 74. When you say that as a general principle you think it desirable to have one third of bullion in your coffers, against your circulation, you mean to include in that circulation not only your paper out, but all deposits, whether of Government or individuals?—Yes.

" 75. In short, all liabilities to pay on demand?—Yes.

" 76. And you hold the liability to pay on demand arising from a deposit, to be an equivalent to a note out?—I hold it to be that sort of liability which the Bank are bound to provide for by a reserve of bullion.

" 77. Do you think the liability arising from the deposit to be more dangerous to the Bank as to sudden calls, or less dangerous to it than the same amount out in paper?—*Less dangerous.*

" 78. According to your description of the principle upon which the

affairs of the Bank are conducted, do not the Directors of the Bank of England possess the power of regulating the whole circulation of the country?—The Bank are very desirous not to exercise any power, but to leave the public to use the power which they possess, of returning Bank paper for bullion.

“ 79. Would the exchanges be corrected if the amount of currency was left wholly in the hands of the public?—They have been principally corrected under that management.

“ 80. Is the Bank exposed to no inconvenience, by waiting to have the correction take place in this method, in preference to itself interfering by that power to diminish the circulation in case of a fall of exchange?—No; provided they are adequately supplied with bullion when the exchanges are at par, and which proportion I have stated to be about one third.

“ 81. Does not the Bank, if it thinks proper, possess the power of extending the currency or of diminishing it, without waiting for the interference of the public?—It has the power.

“ 82. Would the Bank forcibly contract their issues by a sale of securities, during an unfavourable course of exchange with foreign countries, and would they forcibly extend their issues by the purchase of securities when the exchange was favourable?—I think not, except under special circumstances.

“ 83. You mean to say that the Bank would not forcibly do that, but that it would leave it to the public to act upon the Bank, and produce the effect at which it would arrive?—I do.

“ 84. It appears by the accounts before the Committee, that for the last four years the amount of securities in the hands of the Bank varied very little; do you consider it important in the management of the Bank, to keep the securities at nearly the same amount?—As nearly as the same can be managed.

“ 85. What is the reason why you think it necessary to keep the securities at the same amount?—Because the public are thereby enabled, without any forced action on the part of the Bank, to act for themselves in returning notes for bullion for exportation, when the exchanges are unfavourable. If the exchanges continue favourable for any great length of time, then the influx of treasure will command an increased issue of paper, and which may derange the proportions; *but it does not follow that the Bank ought, upon that account, immediately to extend its issue upon securities.* When, however, it is clearly ascertained to be desirable that part of the excess of bullion so received should be returned to the Continent, then it may be necessary for the Bank to re-assume its proportion, by transferring part of the bullion into securities, *still preserving the proportions of one third and two thirds.*

“ 86. In times of great commercial prosperity, would not the leaving to the public the correction of a redundant currency, lead to a greater redundancy and to excessive speculation?—I think not.

“ 87. You have stated one third of bullion to be, in your opinion, about the proper proportion for the Bank to hold, in proportion to its liabilities;

is that proportion the result of your experience in the management of the Bank?—Yes, with reference to periods of a full currency.”—*Report*, p. 11,12.

This extract from the evidence comprises a tolerably complete statement of the principles by which the Bank Directors profess to regulate their transactions, and it fully establishes the following points :

First, That the Directors regard the exchanges being at par as indication of a full currency.

Secondly, That they are bound to regulate their issues according to the state of the foreign exchanges.

Thirdly, That the proportion of bullion which they think it prudent to retain should be equivalent to one third of their total liabilities to pay on demand.

Fourthly, That they consider the liability of the Bank, as to sudden calls, upon notes out to be more dangerous than the same amount of deposits.

Fifthly, That the Bank Directors consider it important to keep their securities fixed, and allow the exchanges to act upon their bullion and their circulation, always preserving the proportions of one third and two thirds: and,

Sixthly, That the Bank has the power of extending or diminishing the currency without waiting for the interference of the public.

Many other passages in Mr. Palmer’s evidence bear out and confirm these points as canons of management.

It will now be our task to examine in detail each of these principles of action announced by the Directors, inquire into its soundness as a general maxim for regulating the currency, and ascertain how closely, during the last three years, the Directors have adhered to their own maxims, or in what degree they may have departed from their own declared principles.

It may be well, however, previously to show, from Mr. Palmer’s evidence these subsidiary points, which are important in respect of the practical application of the principal maxims we have before educed, namely, that the Directors know their position compels them to keep a large reserve of bullion, and that they must pay strict attention to the issues of other bankers as well as to their own.

The following extract will show that the Directors are fully aware their exclusive privileges subject them to the necessity of providing a larger supply of bullion than would have been necessary had they been merely an ordinary bank of issue.

" 89. Do you consider that it is desirable for the Bank of England, under the circumstances in which it is placed, to reserve a larger deposit of bullion than it would be under ordinary circumstances of banking?—The Bank of England, under existing circumstances, appears to be called upon to retain a larger proportion of bullion than it would do, if it had merely to provide for its own circulation.

" 90. Will you explain what you mean by providing for its own circulation?—I mean, that provided the Bank were not liable to be called upon in the money market of London for a large supply of coin to uphold the country circulation, a less deposit of bullion would be required.

" 91. Must not the demand for the country circulation of gold from the Bank depend materially upon the amount of the circulation of the Bank of England, for which the country circulation have the power to demand gold?—I believe the country bankers are possessed of so much property, and such securities, that I can hardly contemplate that contraction of the Bank paper in London which would deprive them of the power of obtaining the amount they might require for providing themselves with coin from the Bank.

" 96. Therefore after every precaution you had taken to keep your circulation in correspondence with the state of foreign exchanges, you are still liable to the other danger, of having to find bullion, not only for the wants of the country bankers, but to allay the fears and apprehensions of timid men who may wish to have in their possession more than in any emergency they may want?—Certainly; it is that circumstance that impresses me with the necessity for a larger deposit of bullion than otherwise would be requisite.

" 97. Would not that danger to which you allude, be remedied, supposing there were otherwise no objection to it, by providing by law that the country banker might make his payment in Bank of England notes?—I think that some substantial relief would be afforded by that arrangement, but it would not entirely remove the difficulty.

" 98. Would it not so far remove the difficulty that the outlet of the coin would be at the Bank of England alone?—Certainly."—1832, *Committee on Bank of England Charter*.

The necessity of attending watchfully to the circulation of all other banks, whose operations, by extending the circulation, may affect the demand upon the Bank of England for gold, is here distinctly admitted.

In order to obviate any possible objection that some difficulty may arise in ascertaining when the foreign exchanges become unfavourable, and as it will often be alleged that an

export of bullion upon particular occasions arose from a peculiar or local foreign demand for the precious metals, it will be necessary to ascertain what circumstances are required by the Bank Directors to satisfy them of the existence of an adverse exchange. Mr. Palmer told the Bank Charter Committee a demand on the Bank for gold is the required evidence.

" 120. Are not the Committee to understand it to be your opinion, that although the country banker may issue with every consideration of prudence as to the security upon which he issues, yet that the care of proportioning the issue of paper to the state of exchanges or the state of bullion of the country, is solely under the management of the Bank of England?—I imagine the Bank of England to be the only body which has knowledge of the actual state of the foreign exchanges.

" 121. And the only body that regulates its issues by that principle?—Certainly.

" 122. How do you regulate your issues according to the foreign exchanges?—By the notes being returned for gold or silver for export.

" 123. Do you regulate them from the returns you have of what the foreign exchanges are, or from the action which takes place upon the Bank?—The action which takes place upon the Bank.

" 124. Do you find that the alteration in the action upon the Bank is simultaneous with an alteration in the rate of foreign exchanges, and that it is the case invariably?—Certainly.

" 125. Do you not sometimes anticipate the actual action upon the Bank by the demand for gold, when you see there is a tendency in the foreign exchanges to produce that action?—No, we wait for the actual demand.

" 126. You stated in one of your answers, that you had reference, in the conduct of your issues, to the par of exchange; but in your subsequent answer you stated that you had reference, not to the par of exchange, but to the action on the Bank?—*Such action upon the Bank is, in my view, the only evidence of the exchange being below par.*

" 134. Is it that which you alluded to in your former answer?—I can hardly define an unfavourable exchange otherwise than by a demand upon the Bank; but a demand upon the Bank will not be likely to continue for a great length of time at a high rate of exchange; there may be a temporary demand, and I may instance the years 1828 and 1829 as periods when there was a demand at a high rate of exchange, for about a million of gold for the supply of the Russian army, but it was evident to the Bank, that it was not probable to continue; while it was in action, it was evidence of an unfavourable exchange."—1832, *Committee on Bank of England Charter, Palmer.*

In the following answers Mr. Palmer elucidates the mode in which the Directors keep their securities fixed.

" 146. You stated, that the principle was, to keep the amount of secu-

rities in your hands nearly the same; do you, in order to effect that, restrict your discounts upon the bills of private individuals?—No.

“ 149. Does it ever occur that the amount of private bills accumulates beyond its average amount?—Yes.

“ 150. In such case, how do you keep the whole amount of your securities at the same amount?—By a sale of part of the Government securities.

“ 151. Then, when you said that you have never forcibly contracted the amount of currency, you do not mean to exclude your selling securities in the market, in case the securities accumulate in your hands?—If there be a demand for an increase of the issues upon commercial bills, the Bank find the means of supplying the demand by a sale of part of their Government securities, thereby providing that the amount of their securities be not increased, but merely their character changed.”

Having thus fully and fairly shown by the evidence of their own Governor the rules which in 1832 the Bank Directors declared should be the guide of their operations, we will proceed with the examination of their maxims in the order before specified. We will see how far those maxims, if strictly adopted in practice, would have the effect of producing a stable currency, and how far they have been strictly acted on by the Bank Directors. The sound principle of the first two maxims, and the practical propriety of the third, are, we believe, admitted by all economists, and in regard to them our inquiries will be directed to ascertain how far the Bank Directors have abided by the one and conformed to the other.

Colonel Torrens's letter to Lord Melbourne was, we believe, the first pamphlet published during the present monetary distress which distinctly charged the Bank of England Directors with having been the originators of the over-issue which led to the subsequent depression. The charge had, however, long before been made by the *True Sun* daily newspaper. This pamphlet, both from the economical reputation of the writer and the clear statements of his arguments, attracted very considerable attention, whilst it contained an assertion, that “Bank deposits perform the functions of money,” which has not met with entire assent. The substance of Colonel Torrens's argument upon this head is shortly this. A merchant who deposits 1000*l.* with a solvent banker, has precisely the same power of purchasing as if he had kept that sum locked up in his desk. His credit with the banker against which he can draw his checks forms to him money. This is the case with all the

men of business and others who employ bankers; and should all the bankers keep all the deposits made with them locked up in their own coffers, the quantity of money available for circulation would be precisely the same as if all the customers of the bankers kept their money in their own possession.

Such, however, cannot happen, for the business of a banker consists in dealing with the money of other people, and as in the supposed case of every banker keeping all the deposits of his customers locked up in his own possession until withdrawn by the customers, there would be no profit in the trade of a banker, and consequently no motive would exist for its being carried on.

In actual business the converse is notorious, for very large profits are made by bankers dealing with others' money, and they do so by lending upon available securities the greater part of the sums deposited with them by their customers. Thus, if all the deposits with a particular bank shall amount to, say 100,000*l.*, the banker will soon learn from experience that a comparatively small sum retained in his coffers will be sufficient to answer the average current drafts of all his customers. It will be evident that in each day some customers will diminish their deposits by drawing checks, whilst others will add to their banker's balance by payments into the bank, and it will be only the actual difference between his receipts and payments which will have to be provided for by the banker.

Mr. Clay states that in ordinary times a reserve of "one tenth, or even one twentieth" of the amount of his total deposits would be a sufficient proportion to be maintained between his deposits and his cash. Colonel Torrens prefers to adopt for purposes of his illustration the larger, and we suspect sounder, proportion of one fifth. To resume our hypothesis, if a banker whose deposits amounted to 100,000*l.*, the maintenance of the larger proportion of a fifth would compel him to retain in specie 20,000*l.* to answer current demands. The residue, or 80,000*l.*, he would employ in the purchase of stock or exchequer bills, or in the discount of bills of exchange. "Now," says Colonel Torrens, "it is self-evident that this " would occasion an extension of the general medium of exchange. The merchants and others who had deposits with

“ the bankers would be just as able as they were before to
“ come into the market and make payments and purchases
“ to the amount of 100,000*l.*; while the persons who sold the
“ stock and the exchequer bills, or who obtained the discounts,
“ would be able to come into the market and make purchases
“ or effect payments to the amount of 80,000*l.*,” or the whole
sum the banker might think it prudent to lay out in available
securities. And the circulation of the country would be in-
creased by the whole sum so laid out.

This illustration of the operation of banking may be made
by the statement of an every-day transaction; thus suppose two
customers of a bank should have any money transaction to-
gether by which they might stand to each other in the rela-
tions of seller and purchaser—debtor and creditor, they would
effect settlements without the intervention of any actual money.
The purchaser or the debtor would hand to the seller or the
creditor his check upon their mutual banker, which being
paid in by the latter, the necessary sum would be simply
transferred in the banker's books from the account of the one
customer to that of the other. Here it is quite evident a pur-
chase has been made, or a debt paid, operations which, in the
absence of banking deposits, would have required the use of
tangible money, by means of an entry in the banker's books.
This is strictly credit currency. But four fifths of the sum so
transferred had no other existence than the entries in the
banker's books to the credit and debit of the respective cus-
tomers. The value of those entries depended entirely upon
the solvency of the banker, the deposit, of which the entry was
the representative, having been laid out and departed with by
the banker, was then probably enabling some other exchange
to be effected between some other persons.

We have confined our illustration to a single bank, but it
must be obvious that, so far as regards the increase of cur-
rency by means of bank deposits, it is indifferent whether all
depositors are customers of a single bank, or whether they
are divided amongst many bankers. In London the bankers,
by means of the clearing house, exchange the drafts of their
various customers several times a day; in the country bankers
make the same exchanges either daily or weekly. It appears
clear to us that there is no opening for argument to show that

bank deposits have not the effective power of increasing the circulation.

From the establishment of that fact the necessary consequence follows, as alleged by Colonel Torrens, that "a given amount of circulating cash becomes the basis of a much greater amount of bank deposits."

It may fairly be assumed that the greater part of the price paid by the bankers for the securities in which they invest their surplus deposits, will be returned upon them again in the form of new deposits, four fifths of which, all other circumstances remaining the same, will again be invested in securities, and again wholly or in part return to them as deposits; and this process may go on *ad infinitum* so long as the demand for money keeps continually increasing.

It will probably at once occur to such of our readers as have bestowed any considerable share of attention upon this important department of political œconomy, that the effects adverted to by Colonel Torrens as flowing from the banking system are merely consequences of the increased rapidity which the operations of that system give to the circulation of money. In this view we cannot admit that the subject has been, as Colonel Torrens says, "overlooked by every writer upon the science of money with the single exception of Mr. Pennington." Nevertheless to that gentleman we readily accord the credit of making so valuable an application of the principle.

The power of bank deposits or credit currency having been established as equal to that of a like amount of current money, it follows that the increase of credit currency (merely another mode of expressing the mode in which one coin performs many exchanges) will have as great a tendency to depreciate the whole circulation, and thus depress the foreign exchanges, as a similar increase of notes and coin. But it by no means follows that the reduction of its deposits by a single bank, however influential, will have the effect upon the circulation which would be occasioned by abstracting notes or coin. Now Colonel Torrens assumes, and the accuracy of that assumption is confirmed by Mr. Horsley Palmer in his tract, as well as in his evidence before quoted, "that the practical rule adopted by the Directors is to keep their securities even, and to allow, not their circulation, but their whole liabilities, including

“both circulation and deposits, to expand or contract under the action of the foreign exchanges.”

This rule Colonel Torrens thinks might be “conformable to principle” were the Bank of England only a bank of issue, and had no liabilities consisting of deposits, and did not discount. As it is, a bank of issue and deposit is “impracticable;” and he illustrates his position by the following example :

“If the circulation were so redundant as to require a contraction of 1,000,000*l.* to bring the currency upon a par with foreign currencies ; and if the merchants who had remittances to make were to return upon the Bank 1,000,000*l.* of its paper, in exchange for gold to be exported ; then the requisite contraction would be effected and the adverse exchange would cease. But if merchants had deposits and drawing accounts, and were to draw out their deposits in gold for exportation, then no contraction of the circulating medium would take place, and the exchanges would still remain adverse. In this case (the deposits and drawing accounts being equal in amount to the stock of bullion) if the Directors were to adhere to their rule of keeping their securities even, the process of drawing out deposits in gold might proceed until the coffers of the Bank were completely exhausted, without a single note being abstracted from the circulation.”

It is admitted on all hands that the object intended to be attained by the use of a metallic standard is to keep the paper money in circulation of the same value as coin ; and Colonel Torrens well observes,

“That if the circulating currency were purely metallic, an adverse exchange causing an exportation of the metals to any given amount would occasion a contraction of the circulating currency to the same amount. If the circulating medium of the metropolis consisted of gold, an adverse exchange causing an export of gold to the amount of 1,000,000*l.* would withdraw from circulation one million of sovereigns ; and as it consists of Bank of England notes an adverse exchange causing one million in bullion to be withdrawn from the Bank would require to have 1,000,000*l.* of Bank notes withdrawn from circulation. As often as an adverse exchange abstracts any given amount of treasure from the Bank without a withdrawal to the same amount of Bank of England notes from circulation, so often do the Directors exhibit a practical proof of their incompetency to perform the important function of regulating our monetary system. To say that their rule is to keep their securities even, and allow the exchanges to act upon their whole liabilities, is not a defence, it is an admission that they do not understand their business.”—*Torrens*, p. 29, 2nd edit.

Let us now turn to the published accounts of the Bank assets and liabilities, and see how far they bear out the charges brought by Colonel Torrens against the Directors of the

Bank of England, "that instead of conforming to the sound principle by which they profess to be guided, they act in systematic violation of it."

From these accounts we learn that in December 1833 their circulation amounted to 17,469,000*l.*, and their bullion to 10,200,000*l.* At this time, and down to April 1835, the foreign exchanges, by the admission of Mr. Horsley Palmer, were rather against England, and the liabilities of the Bank to pay on demand amounted to 32,629,000*l.* Yet even then the proportion of bullion to liabilities alleged to be necessary was not maintained, for granting the exchanges to have been only at par, and consequently the currency full, the maintenance of that proportion would have required a reserve of bullion to the amount of 10,876,000*l.*, instead of their actual reserve in December 1833 of 10,200,000*l.*

Mr. Palmer, who is not very candid in his statements, says in his official defence of the Bank policy, that during the time we have before mentioned, namely, from December 1833 to April 1835, "the premium upon gold in Paris was 9 per mille," and "there was no demand upon the Bank for bar gold, and no *profit* upon the export of that metal," from which there can be no difficulty in concluding that the tendency of the exchanges was downwards. Indeed, Mr. Loyd states the exchanges to have been lower than they would appear from Mr. Palmer's quotations. And we shall presently see that the indications of an adverse exchange required by the Bank were present nearly the whole time. By March 1834, whatever may have been the opinion of the Directors as to the *profit* of exporting gold, their bullion had become reduced from 10,200,000*l.* to 8,753,000*l.*, whilst, instead of an equivalent reduction in their circulation, which according to their principle should have contracted under the action of adverse foreign exchanges, the notes out amounted to 18,544,000*l.* This shows an emission of 1,074,000*l.* of paper had taken place in the face of a loss of bullion amounting to 1,447,000*l.* So much for adherence to their own principles! A gradually progressive diminution of the gold went on until March 1835, when the reserve of bullion had fallen to 6,295,000*l.*, the circulation continuing as high as 18,152,000*l.*, admitted principles again being further departed from. All this time, with the exception of two short intervals, during which

the Bank by violent but not sustained contraction of the circulation recovered some small portion of its gold, the foreign exchanges, as might have been expected, continued adverse. The published account of November 1836 gives the following results: circulation 17,543,000*l.*, bullion 4,933,000*l.* In February 1837, when the stock of bullion reached its lowest point, the average circulation had advanced as high as 17,868,000*l.*, the bullion being no more than 4,032,000*l.*

After this statement, drawn from official returns, it will be curious to see how the Directors make out their adherence to their own rule of regulating their circulation according to the state of the foreign exchanges.

For that purpose we must shortly refer to Mr. Palmer's pamphlet, which, though published some time subsequently to that of Colonel Torrens, and apparently aiming to weaken or refute the charges made by him against the Directors, professes to have been wholly written before those charges came under the notice of the author. Whether this is strictly accurate or not, we must give the ex-Governor of the Bank credit for being fully aware of the weak parts of his case.

After a marshalling of figures for the purpose of throwing the onus of the over-issues upon the joint stock banks, which has very much the appearance of a juggle, Mr. Palmer says,

"The liabilities and assets of the Bank in October 1833, upon an average of the three preceding months, were,

Circulation 19,800,000 <i>l.</i>	Securities 24,200,000 <i>l.</i>
Deposits . . 13,000,000 <i>l.</i>	Bullion 10,900,000 <i>l.</i>

On the 27th December 1836, the bullion was 4,300,000*l.*, showing a reduction of 6,600,000*l.* The circulation was then 17,300,000*l.* and the deposits, *excluding those of a temporary character* ($4\frac{1}{2}$ millions), were 9,200,000*l.*; the diminution of the two taken together having been 6,300,000*l.*"—*Palmer*, p. 12.

Even this ingenious explanation leaves a loss of 300,000*l.* unaccounted for, which, admitting for the moment their present gloss of the principle laid down by the Directors in 1832, called for a further reduction of their liabilities to the amount of nearly a million (900,000*l.*) sterling.

But the method by which Mr. Palmer attempts to make out the case of the Bank, and to prove the Directors have adhered to the rules laid down by himself as their organ and mouth-

piece, exhibits the boldest sophistry it has ever been our fortune to meet with, even with reference to the too often wilfully perplexed subjects of currency and banking. This is his account of the excluded deposits.

"It may here perhaps be as well to explain the nature of what are termed extra deposits, in order to show that they are independent of the regular working of the Bank. They have consisted of money belonging either to Government or the East India Company, altogether independent of their ordinary transactions. The first arose out of the contract for the West India loan, upon which a discount was allowed for prompt payment higher than the market rate of interest; and as the prompt payments thus made were not required for issue to the West India claimants for several months afterwards, it became necessary, in order to preserve the currency in the same state as if the payments for the loan had not taken place and to prevent its undue contraction, to re-issue the money to the public. This was done by contract with the money-dealers, so as to insure its return to the Bank at the time of the adjustment being made with the claimants by the Commissioners."

* * * * *

"The second case was that of the East India Company realizing their commercial assets to an extent far exceeding their ordinary wants for payment. Upon the commencement of the accumulation, to the extent of 600,000*l.* or 700,000*l.* above their ordinary balances, an application was made to the Bank to ascertain whether it would undertake the risk of lending the money, paying to the Company a given rate of interest. * * * * * It never could be expected that the Bank should be required to pay a rate of interest for notes or bullion belonging to others, merely for the sake of keeping them unemployed; *having at the same time no excess beyond the twenty-four and a half millions of securities, which the ordinary working deposits and circulation entitled that body to hold.*—*J. Horsley Palmer, pp. 12-14.*

It may well be imagined that the case of the Bank Directors must be desperate when a member of their body is compelled to resort to such a mystification as this respecting "extra deposits," to make out even a plausible justification of their policy. Upon sustaining this fallacy (and we shall presently cite an unanswerable witness to prove that it is a fallacy,) rests the whole of Mr. Palmer's defence of the Bank of England; it is carried through all his calculations, it is reverted to under various shapes, and with its destruction must fall every pretence on the part of the Directors to the character of prudent and safe regulators of the currency. Though taking care to assert that the Joint Stocks had counteracted the contraction (?) of the currency by the Bank of England, and thereby necessarily ad-

mitting the existence of a redundancy, Mr. Palmer labours hard to find other ways of accounting for the loss of bullion sustained by the Bank. His explanations are all remarkably shallow, and only deserve notice because they will incidentally receive the most complete contradiction.

He attributes "the loss of bullion which took place from "October 1833 to April 1835" to the employment of capital in foreign investments, and "speculative loans to foreign "powers." After expressly stating that "it is not the ordinary investments in foreign securities which are open to objection," he imputes much of the loss of gold to "speculative "action in the foreign stock market," which by raising the prices of foreign securities in London caused great quantities to be sent from abroad for realization. There can be no doubt that the importation of foreign securities, to be converted into money here, has precisely the same effect upon the foreign exchanges as the importation of goods to the same amount; but it will be invariably found that such importations are the consequence of previous high prices, usually caused by great facilities for obtaining money. Foreign securities sent here by reason of our high prices, differ only from other commodities in the readiness with which they may be transmitted and realized.

As a remedy for this chimerical danger, he proposes to impose a stamp duty upon all contracts for passing foreign securities, with a view to put an end to time bargains in those stocks; and he cites the Government regulations of the Paris stock market as having put an end to this kind of speculation. Now, however desirable it may be for the sake of individual safety and public morality to discountenance, and if possible put a stop to, gambling transactions in the funds, experience proves the utter inutility of Mr. Palmer's specifics for that purpose. Time bargains in the British funds are declared illegal by an express statute, and the parties concerned in them are subject to considerable penalties; yet the price of "Consols for Account" form a regular item in the quotations of every stock list, and time bargains in all the British public securities form no inconsiderable portion of the business of the Stock Exchange. All attempts by legislative enactments to check dealings in the foreign funds would end in

failure as complete as that which has attended the stock-jobbing act. We are informed also that Mr. Palmer is completely in error when he asserts that the French regulations have put an end to time bargains on the Paris Bourse. Mr. Palmer likewise assumes the alterations in the American currency, which has occasioned a demand for gold in the United States, to have been one of the most potent *causes* of the late demand for gold on the Bank of England.

We shall very shortly dispose of the allegation of Mr. Palmer with respect to the recent exportation of bullion occasioned by foreign loans, by presenting to our readers the following passage from the pamphlet of Mr. Samson Ricardo, the contractor for those Portuguese and Spanish loans, which called forth the illiberal and splenetic reprobation of the ex-Governor.

“ From Mr. Palmer's statement it would be inferred that a large export of the precious metals took place in consequence of the Portuguese and Spanish loans: this however was not the case. The first payment on the Portuguese loan in 1831 was entirely employed in the purchase of ships and the fitting them out; no gold was exported till July 1834; and, upon a reference to the Bank returns, we find that a great diminution of the stock of bullion took place between October 1833 and June 1834, when it was reduced to the extent of 2,260,000*l*. This reduction, therefore, could have no reference to the Portuguese loan; some shipments of gold were subsequently made to Lisbon, a great portion of which was afterwards returned to London. Of the whole proceeds of the Spanish loan not above 65,000*l*. was sent direct from this country in bullion, a larger sum having been remitted from Paris, and the bulk in another form. The negotiation of bills drawn from Madrid might have occasioned indirectly some further export, but this could not have been to any great extent; other causes must therefore be assigned for the drain of specie on the Bank which took place between October 1833 and May 1835.

“ Foreign stock is a commodity, the dealings in which with other countries operate precisely in the same manner as would the dealings in any other article of commerce. Whether the stock imported be for investment or speculation, the effect upon the currency will be precisely the same. If at any one period a larger portion of these securities be purchased in the markets abroad than can be paid for in commodities, the balance will be sent in bullion; but this would also be the case if the excess were cotton, or silk, or wool. The only difference is, that foreign stocks are transmitted and paid for more promptly and with an exchange apparently not unfavourable. It may not be practicable to obtain bills without creating a depression which renders it equally advantageous to export the precious metals. It may also happen that, in the engagements attendant upon a foreign loan, when payments are fixed at stated periods, shipments of bullion may be made to par-

tical places upon which bills cannot be obtained without the exchanges generally being below par; but this cannot be carried to any considerable extent (it certainly has not occurred since 1825), and in most cases bullion will come back through other channels."—*Ricardo*, pp. 5–8.

From the same source we have a complete refutation of the assumption that the acts of the United States Government in relation to the currency of that country could derange our circulation had it been in a sound and healthy condition.

"The demand for gold for America was one of a peculiar nature and could be attended with no disadvantage to this country, if the currency had been in a sound and wholesome state: it was accompanied with a great depression of prices in the United States, and must have been largely paid for in commodities. An alteration had been made in the value of the gold coin of America, and other measures adopted with regard to her currency, which compelled her immediately to seek for a supply of the precious metals; this her want of circulating medium obliged her to obtain at any cost. England and France were the two countries with which America was in most intimate relations, and which were best able to administer to her immediate wants; in addition to the 2,300,000*l.* supposed to have been taken from England a large quantity was also obtained from France."—*Ricardo*, pp. 22, 23.

Having thus disposed of the suggested secondary causes of the exportation of bullion, it becomes clear that adverse foreign exchanges, the result of a redundant currency, and its long train of consequences, can alone account for that exportation. The non-adherence of the Bank Directors to their three first maxims, admitted on all hands to be sound, and their adoption of the fifth, which is utterly unsuited to their position, have really led to all the disasters which are attributable to currency derangements. This is distinctly brought home to them by Mr. Loyd, who says:

"The principle upon which the Bank professes to be guided in the regulation of the currency is this: To meet its outstanding liabilities, consisting of circulation and deposits, it holds at its disposal securities and specie; and its principle of action is, to keep the amount of its securities fixed, and to leave any variation in the amount of circulation and deposits to be balanced by a corresponding variation in the amount of specie. This principle was set forth by the Bank Directors in their evidence before the parliamentary committee previous to the last renewal of the charter, and was recommended principally upon the ground that the effect of it *would be to render the Bank a passive agent, and that all variations in the amount of specie would thus become the result, not of any direct action on the part of the Bank, but solely on that of the public.*"—*Loyd*, p. 9.

The propriety of this rule of action, upon which the sole real defence of the Bank of England depends, (for the "extra deposit" juggle of Mr. Palmer is unworthy of that term,) is thus impugned by Mr. Loyd :

" The Bank, it must be observed, acts in two capacities; as a manager of the circulation, and as a body, performing the ordinary functions of a banking concern. The duties of these two characters, though very often united in the same party, are in themselves perfectly distinct. In the principle laid down by the Bank for its own guidance, the separate and distinct nature of these two characters has not been sufficiently attended to. The rules applicable to its conduct as a manager of the currency are mixed with the rules applicable to its conduct as a simple banker, and the rule or principle under discussion is the result of this mixture. As a manager of the currency it is undoubtedly a sound rule by which to guide itself, that, against the amount of notes out, it shall hold at its disposal securities and specie; that the amount of securities shall be invariable; and that consequently all fluctuations in the amount of notes out shall be met by a corresponding fluctuation in the amount of specie in deposit; thus the public, and not the Bank, will be made the regulators of the amount of the circulation, and that amount will by this principle be made to fluctuate precisely as it would have fluctuated had the currency been purely metallic.

" For the regulation of the conduct of the Bank as a manager of the currency this rule is perfectly unobjectionable, and rests indeed upon the soundest principles.

" But when the same rule is further applied to the regulation of its conduct as a banking concern, it is necessarily found to be wholly impracticable. It is in the nature of banking business that the amount of its deposits should vary with a variety of circumstances; and as its amount of deposits varies, the amount of that in which those deposits are invested (*viz.* the securities) must vary also. *It is therefore quite absurd to talk of the Bank, in its character of a banking concern, keeping the amount of its securities invariable. The reverse must necessarily be the case.*"—*Ibid.* p. 10.

And he then cites the process by which Mr. Palmer, under the title of "extra deposits," throws out of the account a sufficient sum to make the bank securities approach more nearly to a fixed amount than they appear to do in the published account, as a striking proof that the rule is inapplicable to a bank uniting in itself the characters of currency regulator and bank of deposit.

" But this mode" (says Mr. Loyd) " of getting rid of a certain part of the deposits and securities, with the view of obtaining a table which shall exhibit a desired result, is not satisfactory, because it does not rest upon any distinctive principle. The deposits in the hands of the Bank left

there by different classes of the community, and arising out of different circumstances, may no doubt differ in respect to their probable permanency and variation of amount; but these are only differences of degree, and make no essential difference upon principle in their nature or character. They are all equally banking deposits, liable to those variations in a greater or less degree which are incidental to such deposits.

"The course adopted by Mr. Palmer is a mere arbitrary mode of making up an account to exhibit a desired result. There is no real distinction between these deposits, by which he can justify the plan of removing one class of them from the operation of a principle to which he still holds the other classes to be subject; the fact is, that the principle is applicable only to the management of the currency, and is totally inapplicable to the management of banking deposits. By applying the principle to the aggregate result of the two classes of business, the Bank arrives at a rule, the possible consequences of which are of the most serious nature.

"The rule is, 'that, the securities being kept equal, any diminution in the amount of specie may be met by a corresponding decrease in the aggregate amount of circulation and deposits.' *The possible consequence is, that a large diminution of specie may take place, and be met, not by a corresponding decrease of circulation, but solely by a decrease of deposits. Thus a heavy drain upon the treasure of the Bank might take place under this rule, without any contraction of the currency by which that drain is to be checked or the Bank to be protected.*

"The rule now adopted by the Bank is incorrect, and cannot be safely relied upon in the management of the currency. The rule ought to be, that the variations in the amount of circulation shall correspond to the variations of the amount of bullion, and the adherence of the Bank to this rule ought to be obvious upon the face of the published accounts. By this means, and by this means only, can we obtain 'a paper circulation varying in amount exactly as the circulation would have varied had it been metallic.'"—*Ibid.* p. 12.

After examining with much impartiality the grounds upon which the Bank Directors charge the over-issues of paper upon the Joint Stock Banks, he concludes that, whatever may have been the course pursued by the Joint Stock Banks, those establishments received no intimation of danger from the action of the Bank of England.

"The following is a statement of the circulation and bullion of the Bank, as given in the monthly returns which are published in the Gazette, from January 1836 to February 1837 inclusive:

1836.	Circulation.	Gold.
January 12 . . .	£17,262,000 . . .	£7,078,000
February 9 . . .	17,427,000 . . .	7,498,000
March 8	17,739,000 . . .	7,701,000
April 5	18,063,000 . . .	7,801,000

May 3	18,154,000 . . .	7,782,000
May 31	18,051,000 . . .	7,663,000
June 28	17,899,000 . . .	7,362,000
July 26	17,940,000 . . .	6,926,000
August 23	18,061,000 . . .	6,325,000
September 20	18,147,000 . . .	5,719,000
October 18	17,936,000 . . .	5,257,000
November 15	17,543,000 . . .	4,933,000
December 13	17,361,000 . . .	4,545,000

1837.

January 13	17,422,000 . . .	4,287,000
February 10	17,868,000 . . .	4,032,000

" Upon an inspection of this table we cannot fail to remark,—

" 1. That the circulation is considerably higher at this moment than it was in January 1836, although during this period the bullion has undergone a very large diminution.

" 2. That the circulation continued steadily to increase from January 1836 up to May, and that even in September it was at the same amount at which it stood in May, although the drain of bullion was by Mr. Palmer's acknowledgement in full force from April to September.

" 3. That there does not appear to have been any effectual reduction of circulation subsequent to the rise of interest upon exchequer bills, although this measure was loudly called for as necessary to enable the Bank to realise its securities, and thus reduce its issues. We would ask any reflecting person to look first to the column of bullion, and mark its regular and rapid decrease; then to compare with this the column of circulation, terminating with a larger amount than that with which it commences, and having done so, to declare whether he discovers any evidence of the Bank *having made the amount of its circulation to fluctuate as it would have done had it been purely metallic*; or whether he can perceive, during the drain of bullion which commenced in April, or during the months which immediately preceded that event, any signs of that steady and undeviating contraction of circulation on the part of the Bank, on which alone any just objection to the conduct of the Joint Stock Banks can be founded? It is not a satisfactory reply to this question to say, 'that the diminution of bullion has been met by a diminished amount of deposits.' If the Joint Stock Banks see, by the published returns, that the circulation of the Bank is maintained at its full amount, they are warranted in concluding that there is no real call for a diminution of their issues, notwithstanding that some of the depositors in the Bank may have thought proper to draw from it a portion of their funds. Indeed, the Bank is not entitled to calculate at all upon the long-sightedness or prudence of the Joint Stock Banks, but ought to rely solely upon the influence which a steady and continuous course of contraction on her part must exercise upon the proceedings of her subordinate rivals. This it is clear she has not done from January 1836 to February 1837, and therefore she appears to be without any sufficient ground for attributing the whole or the greater portion of the existing

derangement to their misconduct. If they have done wrong, it appears to have been from the want of that controlling action on the part of the Bank of England which she might have exerted and has not."

With such an accumulation of evidence it is impossible to avoid attributing the present disastrous state of credit and commerce mainly to the course of action pursued by the Bank of England.

The Directors have violated all the sound rules by which in 1832 they professed to be guided; with a full, and even with a superabundant currency, indicated by adverse foreign exchanges, they increase or insufficiently reduce their own issues of paper; and long after their bullion has sunk greatly below the amount they consider requisite for safety, they take no measures for stopping the drain upon their coffers, but trust solely to the diminution of their deposits, liabilities admitted by themselves to be less obnoxious to sudden calls than those arising from their circulation.

They have not kept the amount of their securities fixed, and from the conflicting nature of their duties such a rule was altogether impracticable. So whilst they have had the full power of diminishing the currency, have long been casting imputations upon the prudence of the Joint Stock Banks, and declaiming against speculations of all kinds, they have in no way exercised their power of correcting that imprudence, nor by a timely contraction of the currency checked incautious speculators.

And, as we have seen, this is no new evil; these high tides of monetary abundance, with their subsequent ebbs, have been periodical: the commencement of them dates from the rise of the power of the Bank of England.

To what then are these fluctuations to be attributed? By one class of reasoners we are told Peel's Bill and cash payments have led to all the mischief, and they call loudly either for a lower standard or inconvertible paper (we know not which), and have considerable doubts whether the currency doctors are themselves of one mind upon the subject. Others declaim against paper as a substitute for money, and require a currency purely metallic. That practical and in many respects sensible men should run into such fantastic extremes upon so important a subject, may fairly be adduced as evidence of some

deep-seated disease in our monetary system. That disease must be sought for in the constitution of the Bank of England. A corporation with a great capital has been entrusted with powers which make it the sole regulator of the currency, in which character it has duties towards the public to perform involving enormous responsibility. It is the exclusive issuer of paper money in the metropolis, and its notes form a legal tender everywhere except at the counters of the Bank itself. This last privilege sufficiently proves that the intention of the framers of the Bank Charter Act of 1832 was to give to the Bank of England something of the character of a National Bank. Lord Althorp, and the other Ministers principally concerned in that measure, were well versed in the scientific principles which should regulate a currency; and the rules by which the Bank Directors, in their evidence *before the Committee*, professed to be guided seemed to square with those principles.

It is well known that Lord Althorp originally wished to place the Bank under greater restraints than he ultimately succeeded in imposing; and in particular, his first proposition relative to the publication of its accounts would have secured to the public a statement by which some real information would have been afforded. But, it must be remembered, the Government is the great debtor to the Bank, and the Directors of that establishment are amongst the leaders of the monied interest, an interest by no means cordially inclined towards a Reforming Ministry. These and similar difficulties, together with great confidence in the personal respectability and practical prudence of the individual Directors, prevented the Ministry and Parliament of that day embracing the offered opportunity to place the currency upon a safe basis. It was then clearly seen that, in the multifarious commercial transactions of this country, the paper substitute for metal would be universally used; and the experience of 1825 and 1826 had taught them that the mere liability to pay in gold, on the part of issuers of notes, would not alone secure the required steadiness to the whole currency. The advantages to be gained by increasing the public security for payment of notes issued had been seen, and was attempted to be secured by promoting the formation of Joint Stock Banks. Much of the loss

and ruin of 1826, admitted to have been caused by a redundant currency, was laid at the doors of the private Country Banks; that charge was supported by all the influence of the Bank of England, and met with general acquiescence. The Country Banks therefore were chiefly regarded as the sources of danger, when the law permitting the formation of Joint Stock Banks was enacted. That law, like so many of our laws, is one-sided, and wanting in comprehensiveness. And this has led to so great an opening for complaints against the Joint Stock Banks, which are all, reasonable and otherwise, embodied in the Report of the Committee of last Session, of which we have before extracted the most plausible. It was principally with the purpose to prevent the Joint Stock Banks from following the course which the Country Banks had been alleged to have pursued, and to restrain the latter from similar faults in future, that the Parliament which renewed the Bank charter was induced by the Directors to insert the legal tender clause. That clause was inserted to induce other bankers to use Bank paper instead of coin, and thereby not only to diminish the cost of a gold currency, but to subject the whole circulation more completely to the control of the Bank of England. This latter object was undoubtedly accomplished: but in placing the whole monetary system under that control, the fact that the Bank of England performs other functions beside those which have reference to currency regulation, and has other interests to guard beside those of the public, was completely overlooked. That the Bank of England is a bank of deposit and discount, having a large proprietary accustomed to great profits, and expecting such profits to be continued, was either forgotten or considered a circumstance of no importance. Unaccountable as it may seem to us now we have had the bitter experiences of the last three years, and have benefited by the discussions our recent calamities have excited, there can be no doubt the men of business in general, as well as some economists, really believed the corporate interests of the Bank would not necessarily interfere with its public duties in regulating the currency. That such however was the case seems to be demonstrated by the rule of keeping its securities even, which was propounded by the Bank Directors, and accepted by the House of Commons and the public, as a whole-

some practical maxim,—a rule shown by Mr. Loyd to be impracticable for a bank of deposit and discount.

It is principally to this union of incompatible functions in the Bank of England we owe all our recent ruinous monetary derangements. The Directors feel themselves under a necessity, almost inevitable, of keeping up a dividend of 8*l.* per cent. upon the capital of their stock ; and to that source may readily be traced the departure in practice from their own sound theoretic rules, as well as their adoption in use, and sophistical defence of, vicious theories and unsafe rules of action. When Mr. Palmer tells us that the liabilities of the Bank upon deposits have been diminished in nearly as great a proportion as the reduction of the bullion of that establishment, he may afford evidence of its continued solvency as regards its own creditors, but he at the same time proves that no contraction of the currency, so far as it is composed of Bank paper, has been effected in consequence of the redundancy indicated by the loss of bullion. We cannot too often repeat the fundamental principle of a safe paper currency, that a convertible paper circulation ought to contract and expand in the same manner and to the same extent as if it were solely metallic.

Now when between December 1833 and March 1834 the bullion of the Bank of England had been reduced from 10,200,000*l.* to 8,753,000*l.*, the same amount (or 1,447,000*l.*,) of notes ought to have been withdrawn. And what actually happened? Why in December 1833 the notes of the Bank of England in circulation were 17,469,000*l.*, and in March 1834, in the face of a loss of nearly a million and a half of bullion, the circulation had been increased to 18,544,000*l.*, or more than a million sterling. Again in September 1834, when the stock of bullion had undergone a further decline, and was reduced to 6,917,000*l.*, the circulation still remained at 18,437,000*l.*, thus keeping out a superabundant circulation of more than four millions ; a circulation too which was completely under the control of the Bank. And this was nearly two years before the storm burst upon the commercial world, and just previous to the commencement of that extravagant speculation in the foreign funds which Mr. Palmer assigns as one of the causes of the drain for gold upon the Bank coffers.

But it must strike every one, that so large a reduction of the

Bank circulation would have occasioned such a diminution of its profits as would have greatly lessened the dividend upon Bank stock, and the Directors would have made but a lame excuse in the eyes of the Court of Proprietors for a defalcation in the dividend of perhaps 1*l.* or 2*l.* per cent., when they attributed it to their provident regard for public safety. Here then is an instance of the conflict which is constantly going on between the inconsistent functions of the Directors. As currency regulators they should have carefully attended to the unfailing warning given by their loss of gold—a warning they admit to be imperative—and by a timely check restored the currency to that state of appreciation from which the barometer of the exchanges told them it had departed. As discount bankers they were bound to use every effort to accommodate their customers, and lend assistance to the growing spirit of enterprise.

Had they acted strictly up to their duty in the first character, they would have been looked upon by the unthinking part of the trading community as churlish guardians; they would have been supplanted to some extent by other bankers, and they would have had to face a dissatisfied proprietary. The mischiefs from which they had saved the community, being unknown, would have been unregarded, and long delayed would have been even their just reward of public approval. On the other hand, by losing sight of their first character, and acting promptly and liberally in their second, their way was pleasant and their course for a time was smooth. Customers were indulged with discounts and “loans upon approved securities,” discount brokers and country banks were favoured with loans, and the hearts of Bank stock proprietors were elated with the usual dividend and a bonus in perspective from a large increase of the rest. And when we add to the other inducements of the Directors to stick to banking, and let the public interest trust to the chapter of accidents, that every Bank Director is directly or indirectly interested in commercial undertakings, and that as individuals their hopes, their wishes and their private interests were all enlisted on the side of liberal accommodation, no man who knows human nature, especially commercial human nature, will hesitate to say, that legislation is unwise which vests in the same hands powers so extensive and duties so conflicting.

The greater disproportion which has finally occurred between the circulation and the bullion of the Bank of England, and to which we have before alluded, exhibits the action of the Directors in a more unfavourable light; but they attempt to escape from blame, first by attributing the over-issues to the Joint Stock Banks, their own loss of gold to that over-issue or anything else rather than their own acts, and then by asserting that they disregard all hazards in order to lend assistance to commerce in times of difficulty.

We will shortly examine this plea of assisting commerce in distress. We apprehend however that the function of the Bank Directors is rather to guard against the occurrence of commercial distress, so far as any regulations of the currency can guard against such an evil. This point has been strongly and clearly stated by Col. Torrens.

"It is evident that the Directors of the Bank of England can have no power to relieve any species of commercial pressure, except that which may be occasioned by a derangement of the currency. The cessation of foreign consumption, the springing up of foreign rivals, the deterioration of domestic industry, errors in commercial and financial legislation, may each and all occasion a temporary depression or a permanent decline of trade, unconnected with the state of the currency, and incapable of correction by any banking operation. Nor is this all; commercial pressure, even when solely occasioned by a contraction of the circulating medium, cannot in the majority of instances be removed by any measure which it is within the province of the Bank of England to adopt. A convertible paper currency must conform to the standard of value which it represents. While gold at a mint price of 3*l.* 17*s.* 10½*d.* per ounce continues to be our standard of value, every cause which raises the value of gold must have the effect of contracting the currency, and of producing that pressure upon trade which results from a fall of prices. Now the value of gold may be raised in a variety of ways: by alterations in the import duties either of this or of other countries; by changes in the mint regulations of foreign states, or by a loss of that relative superiority in producing articles of export, which enables us to command a larger proportion of the precious metals than is commanded by other countries. Now it is self-evident that the Bank of England cannot supply a remedy against contractions of the circulating medium proceeding from causes such as these. What then is the nature, and what the cause, of that contraction of the currency, and of that pressure upon commercial credit, against which the Bank of England can supply a remedy? To this question, which is an important one, I shall endeavour to give a distinct answer.

"When an excessive issue of Bank paper has rendered our currency redundant, in relation to foreign currencies, the exchanges turn against us and gold is demanded for exportation; and when at the same time the

Bank Directors, disregarding the only sound principle upon which a paper circulation can be regulated, do not draw in their notes, as their treasure is withdrawn, the drain upon their coffers is continued until the Bank is in danger of stopping payment. To avert this danger the Bank Directors resort to a late and violent action on the circulation; they disregard the rule of keeping their securities even, they raise the rate of interest, they refuse bills of unquestionable character, they sell exchequer bills; and thus create alarm and distrust, until that credit currency, by means of which by far the greater number of our commercial transactions are effected, begins to give way. The Directors now find that danger approaches from another quarter. The Banks throughout the kingdom, whether of deposit or issue, feel more or less of pressure, and become desirous of contracting their liabilities, and of increasing their reserve of cash; in proportion as confidence is shaken, gold is preferred to paper, and sovereigns are held rather than notes of the Bank of England; and a domestic drain more sudden and more serious than the foreign threatens to exhaust its coffers.

"These are the only circumstances under which it can be necessary that the Bank of England should exercise its much vaunted function of sustaining commercial credit.

"When the Directors have neglected, to any considerable extent, to draw in their notes as an adverse exchange draws out their gold, their establishment becomes exposed to two opposite dangers, and they cannot avoid the one without approaching the other. If they do not contract their issues, their treasure may be exhausted by the continual action of the foreign exchange; and if they do not increase their issues, their coffers may be emptied by the immediate action of a domestic panic. Of the two dangers, that of having their coffers emptied by domestic panic is the most serious and most pressing; and therefore in an emergency leaving only a choice of evils, the Bank Directors are justified in disregarding the principle of regulating their issues by the foreign exchanges, and in making such advances as may be necessary to restore commercial credit."—*Torrens*, pp. 39-43, 2nd edit.

To this exposition of the plea set up of "assistance to commerce" we do not think it necessary to add one word, except that the use of that plea evinces the same confusion in distinguishing between the functions of currency regulator and discount banker, from which Mr. Loyd has shown the untenable notion of keeping the securities fixed to have arisen.

We have seen that it is chiefly from powerful motives to obtain high profits that the Directors are induced to keep up their circulation, in direct contravention of their own positively declared rules, and which caused them to maintain a circulation, between December 1833 and September 1834, larger by at least four millions sterling than upon their own principles they could justify. And when we see that on the occurrence

of that commercial revulsion, which such an excessive abundance of money renders almost inevitable, the Bank not merely retains its hold upon the circulation without the unprofitable precaution of a due reserve of bullion, but actually increases its issues to assist the traders struggling amidst a period of universal discredit, can we avoid the conclusion that the safety of the community requires the abrogation of the Bank Charter? We do not deny that, when distress has actually come upon us, the Directors act well in affording every possible assistance to traders in temporary difficulty; but that monetary system must be unsound which makes it the interest, and leaves it within the power, of such an establishment as the Bank of England greatly to augment and then so suddenly to contract the circulation as to bring about serious, nay ruinous depression: and by both operations the Bank profits largely.

Even constituted as the Bank is, its Directors by operating more gradually might avoid inflicting upon commerce such evils as those which have recently occurred; but then so large an amount of notes could not be kept out.

It is the unusual discredit and caution of other issuers and lenders of money which in times of distress give to the Bank the opportunity of "assisting commerce" without itself incurring the risk of stopping payment. Every one feels that as a last resort the Government *must* step forward to assist the Bank, by authorising a temporary suspension of cash payments, should the bullion of the Bank become nearly exhausted. Upon certain emergencies this too might be a proper and judicious measure, like the issues of the Bank to assist commerce made in defiance of all ordinary principles; but the legislator who founds his monetary system upon a plan which involves either the one contingency or the other, can only be compared to a man who fixes his dwelling within the limits of the eruptions of a volcano. Habit may accustom both to undisturbed enjoyment during the fitful intervals of commercial prosperity or volcanic quiet: wilful however must alike be that legislator who, with the whole field of science before him, adopts a plan with such dangerous checks for the sake of its occasional stimulants, and the vinedresser who selects such a habitation for the sake of its hazardous fertility.

In a country like this, where so much depends upon credit,

every care should be taken to visit that delicate entity with as few checks as possible, and such as may be of absolute necessity should be minimised both in amount and intensity. The policy of the Bank of England is to pursue a directly opposite course: and if proof were wanting that it is the avowed object of the Directors to contract the circulation by producing discredit, instead of limiting their own issues, we have it distinctly declared in a passage of Mr. Horsley Palmer's pamphlet. After alluding to the tardy and late measures taken by the Bank (so late as July and August 1836) for contracting the currency, and referring more particularly to the advance of discounts to 5*l.* per cent. per annum in August 1836, he says, "There was however an effect created by this
 "act on the part of the Bank *far more powerful than the actual*
 "*advance in the value of money: it was a moral apprehension*
 "*in all prudent minds that there was mischief abroad."* What is this but an admission that discredit greater than was necessary was produced? Now it cannot be doubted that increased value of money should have been made "far more
 "powerful" in bringing the requisite regulation of the currency than "moral apprehension." The appreciation of money would have affected commerce with severity enough, without the addition of the greater and more indefinite evil of universal distrust. The object however of the Bank Directors was not merely to contract the currency, which they could have done gradually, silently and surely, but to diminish the *whole* currency of the country without materially lessening their own circulation: in short they wished to throw the loss of the contraction upon other issuers, and therefore they excited "moral
 "apprehension," in other words a "commercial panic" or general discredit. Thus they effected two purposes, they kept up their own profits and depressed their rivals. For the same purpose also they compelled the Chancellor of the Exchequer to raise the interest on exchequer bills, which was well known by the monied world to give them the immediate *power* of greatly reducing the circulation. Such was their talk of disposing of their dead weight annuity, and even offering some of it for sale, carefully however demanding a price above its market value; not that they expected or intended to sell any of that profitable investment, but the impression made upon the public mind by

rumours of resort to a measure generally thought extreme, tended greatly to promote the requisite degree of "moral apprehension."

Our remarks upon this important subject have already grown to so great a length that we cannot at present enter into the question of how far our money market has been influenced by that of the United States. This is a question which has only lately begun to attract public attention, and must we think become daily more and more interesting as the recent importation and current sale of American Bank Bonds gives to the transatlantic shareholders direct means of operating on our market, and renders us immediately interested in the soundness of their monetary system. Neither can we now afford space for an inquiry into the motives which induced the Government to refuse the very reasonable proposal of extending the scope of the present Committee on Joint Stock Banks so as to include an examination of the recent operations of the Bank of England. There must have been, we presume, some potent reasons of which we who have no peep behind the scenes can have no just conception.

We do not know however that any inquiries by the Committee could have added anything to the demonstrative evidence of the vicious principle of the Bank monopoly, which has been accumulated by the various intelligent writers who have addressed the public upon this question, and by Mr. Palmer, who has unwittingly furnished the strongest corroboration of all the charges against the Bank of England.

It only remains to offer a few suggestions upon the alterations which we conceive to be necessary for the establishment of a safe and stable system of currency.

Colonel Torrens suggests that the business of the Bank of England might be divided into two departments, the one performing that part of its functions which appertains solely to a bank of issue and regulator of the currency; the other taking charge of the deposit, discount and Government business; that distinct Committees of Management should preside over these separate departments, each conducting its own business upon correct principles without reference to the other. Could this be carried into practice, great improvement in Bank policy would be the certain result; but from the powerful motives

furnished by the necessity of making large profits, we are satisfied no such independent action could be expected from separate committees of management under the present charter. However carefully the duties of the two might nominally be separated, the identity of interest would quickly render identity of aim and cooperation in reaching it apparent in their operations. Such a separation might unquestionably be compelled by legislative enactment, but any measure of sufficient stringency to enforce it would be as much resisted by all the interests bound up in the present system as an absolute abrogation of the charter. And after every precaution there would still remain a great probability of the measure proving ineffectual. In order therefore to clear the ground for a better structure the present monopoly of the Bank of England must be entirely removed.

That having been done, it becomes a question whether there shall be only one issuer of paper money, or whether under specific safeguards the business of issuing paper money shall be thrown open. There are many cogent arguments which may be urged in favour of both plans. Mr. Ricardo declares in favour of the first, and desires to establish a national bank of issue under the direction of commissioners appointed by Parliament. Such commissioners might supply the paper circulation of the whole country, which would be "allowed to contract and expand itself under the influence of the foreign exchanges, unmixcd with deposits, and unfettered by commercial transactions, with a sufficient supply of bullion to answer every probable demand, and with the obligation of purchasing gold from the public at a trifling difference."

Mr. Ricardo sees no reason why such a bank should not issue one-pound notes, except the prejudice which he conceives to exist in the public mind against notes of a lower denomination than five pounds:

To such a plan it is difficult to raise any valid objections, other than the firmly established practice of issuing local paper, and the danger of entrusting to an imperfectly responsible Parliament so fearful an engine for working public weal or woe as the control of the currency. Mr. Loyd, whilst admitting the sound principle of entrusting the issue of paper money

to one body, responsible for a due regulation of its amount, says,—

“The practice in this country has deviated so widely from this rule, and has become by long usage so deeply associated with the habits and prejudices of the community, that we fear we must not now attempt altogether to eradicate it. However sound the principle of entrusting the exclusive power over the paper circulation of the country to one body, the change which the adoption of it would require in our established usages and course of business would necessarily be attended with many very serious inconveniences; and it seems hopeless to expect that the country can be induced to make the attempt.”

There is so much force in this observation that, though as economists we should undoubtedly prefer under favourable circumstances a national bank of issue, we think as practical politicians we must adopt that plan which seems to accord the most nearly with the established habits of the community. That will found in the principle of Joint Stock banking, and we think the attention of the public will be usefully drawn to a calm consideration of the general rules necessary for guarding against the obvious abuses to which a system of many issuers is liable. Most of these are alluded to in the recommendations of the Committee of last Session.

Of such the principal are those which might arise, especially at first, from too active competition,—such as pushing out notes beyond their means of retiring, or occasioning a general redundancy. The primary security will of course consist in liability on the part of all issuers of notes to pay them in gold upon demand.

There should be no limitations as to the number of partners or shareholders in a bank, but every partner and shareholder must be liable for all the engagements of the bank to the full amount of his property. This we hold to be essential to a sound system. Mr. Clay, and the Joint Stock Banking Committee, adopting this part of his notions, recommend the liabilities of shareholders to be limited, as an inducement to men of wealth, especially landed proprietors, to embark in Joint Stock banks.

We do not know what peculiar aptitude landed gentry may have for the conduct of a bank; but from their ordinary habits, and the prevalence of settlements, we do not believe the security of the public would be much enhanced. It is however

conceived that this limitation would conduce to prudent and careful management of the affairs of the banks. We confess we cannot imagine by what train of reasoning Mr. Clay can have first convinced himself, and subsequently imparted that conviction to the Committee, of the value of such a nostrum, for its fallacy is shown by every day's occurrences. We constantly see men of wealth embark in schemes of the most hazardous kind, where they cannot tell beforehand the utmost extent of their possible loss; and there is no undertaking which presents such temptations to speculation or overtrading as the business of banking. This can alone be checked by subjecting the managers of banks to complete responsibility, and which can only be effected by means of unlimited liability. After the shareholder has paid up the full amount of his subscription, the man worth a million, so far as regards assets, forms no greater security to the creditors of the bank than he who has no property but his bank shares, whilst as a guarantee for prudent management the former is infinitely inferior. The rich man cares comparatively little for his interest in the bank, and willingly risks the whole for the chance of great profits; the less wealthy man, on the contrary, whose comforts perhaps depend in a great measure upon the income he may receive from his bank shares, unwillingly risks his all for the probability of increased returns. We can only account for Mr. Clay's adoption of such a fallacious security as limited liability by the belief that, belonging as he does to that wealthy class of merchants who would gladly share in the profits of banking, and escape its attendant risks and anxieties, he has been imperceptibly led to consider the interests of those engaged in the trade rather than the safety of the public.

In the United States most of the banks are incorporated, and the liability of the shareholders is limited, yet this has not prevented over-issues and more direct malpractices. The American banks too are required to retain a guarantee or safety fund to meet a portion of their engagements. We are the more anxious to insist upon this point, because at the present moment so many people are interested as shareholders in Joint Stock banks, that their approval of limited liability may be mistaken for that of the public; whereas their interest and the public safety are diametrically opposed.

The caution of the directors of a bank and the vigilance of the shareholders over their acts, in which together the safety of the public consists, can never be diminished by unlimited liability in the bank proprietary: whilst on the other hand freedom from that restraint may possibly render the directors dashing and speculative, the shareholders assenting or negligent. The legislator, acting for the community, cannot hesitate to decide in favour of that plan which reduces the risk of the public to the smallest amount.

In a clever pamphlet lately published, the writer, Mr. Chapman, advocates the application to banking of the principle of the French *Commandite* associations, in which the liability of the acting partners is unlimited, whilst that of the mere shareholders, so long as they do not interfere in the management, does not extend beyond the amount of their subscriptions. Valuable as we may think the application of this principle might be made in various businesses, we do not think it would prove useful if applied to banking. The objections we have before mentioned would extend, with nearly all their force, to cases in which the great majority of shareholders had been able to put bounds to their liability. And that would ever be the case under such a state of the law of partnership if made applicable to banking. Second only to unrestricted liability in the shareholders, if not equal in importance, is frequent and detailed publication of the debts and assets of each bank. The one would make it the interest of the bankers to manage their affairs prudently, the other would place within the reach of their creditors and the public the means by which to judge between the prudent and the reckless bank. And in order to render such publicity not only locally but generally useful, each bank should be obliged periodically (at latest once a month) to publish within its own district an account of its assets and engagements, and also at the same periods, or more frequently, to make returns of the like nature to some central authority, by whom *weekly* abstracts of the circulation, deposits, securities, bullion and coin of all the banks of the country should be published in the *Gazette*. This would enable the public to judge of the state of the whole currency, and those locally interested would learn the condition of their local banks.

If to the above regulations were added a summary method of

compelling the shareholders to contribute their ~~quotas~~ to any sum required for meeting all engagements of the bank,—and perhaps, for the prevention of fraud, some plan of subjecting their accounts to inspection,—we believe the utmost that could be done by legislative enactment to secure stability to the system of banking and currency would have been effected. One great advantage of such a system (which may be strictly called a free trade in banking,) would be that it is self-regulating. There would be no one great establishment to stimulate the increase of circulation up to a certain point, and then suddenly turning round use all its powers to contract the currency. Every issuer of notes must act upon his own responsibility, rest upon his own resources, and would depend upon his own skill and prudence for his safety. Each banker would watch the exchanges, or from experiencing their practical action upon his coffers, in an influx of his notes and an efflux of his coin, would within his own sphere restrict his accommodations and lessen his issues. Although such restrictive action would necessarily occasion some pressure upon trade, that pressure would be general; it would bear to a certain extent upon all, but need not overwhelm any class of traders; moreover it would be gradual; for though the same causes would have a tendency to produce the same course of proceeding on the part of all bankers, each would strive to assist his own customers to the utmost extent consistent with his own safety, and the result would be a more equable contraction of the aggregate circulation than can ever take place under our present system.

Thus a paper currency would vary in amount precisely in the same way as a currency exclusively metallic would vary under the same circumstances.

It will be objected that such a plan, obliging every bank to keep in reserve a larger store of gold than is now requisite, would occasion an increased unproductive consumption of the precious metals, and so far be a sheer loss to the community. Such might possibly be its first effect; but the steadiness of the currency would quickly lead to such complete confidence in the prudence and stability of the various banks, that the actual amount of metal employed as coin would be less than at present. No arguments are needed to prove that confidence in the banks would become general as soon as they felt their

own permanent interests were involved in prudent management, and when from the number and consequent immense aggregate wealth of their partners failure had become impossible. If in addition one-pound notes were permitted to be issued, the ordinary use of coin would be effectually minimised. The objection to small notes was their tendency to occasion runs in time of panic, but a system which renders panic impossible would entirely obviate that objection.

It cannot be said that hitherto the principle of Joint Stock banking has had any trial; for the control of the Bank of England over the currency, and its monopoly of the metropolitan circulation, have prevented all test of the real operation of that principle.

The new class of banks established under the law of 1826 are simply the old Country and London banks upon a more extensive scale. This places in a strong light the absurdity of inquiring into the effect of the Joint Stock Banks upon the currency, and at the same time excluding that of the Bank of England. Every day proves the necessity of such an inquiry. The capricious way in which the Directors one day assist merchants or bankers without full investigations of their affairs, and then withdraw their aid at the most critical moment, is fast dispersing the delusion that commerce can and will be assisted by the Bank of England. The remarkable and unfailing coincidence of temporary high prices with extended Bank issues, and the invariable and deep depression which has constantly followed, always accompanied too by a great contraction of their paper issues by the Bank of England, must convince every reflecting man that at least searching inquiry into the policy and constitution of that powerful corporation is absolutely necessary.

ARTICLE IX.

Nécessité d'une Alliance entre la FRANCE et la RUSSIE, pour fixer les destinées de l'ORIENT après la dissolution prochaine de l'EMPIRE TURC, et dominer les conséquences que cet événement peut amener en Europe. Par un Franco-Comtois. Paris: Denaix et Dentu. 1836.

THE pleasures of the imagination so rarely enliven the strategies of political controversy, that we are tempted by the title of the pamphlet, which we have just transcribed, to lay before our readers an account of the amusing speculations contained in its pages. If we could suppose that the peaceful inhabitants of Franche-Comté were really engaged in remaking the political map of the world, after the manner of those astronomers who composed charts of the moon in entire ignorance of the physical history of that satellite, they would deserve more pity than derision. But such simplicity is not to be found in the remotest arrondissement of France; and we are inclined to treat the performance before us as the serious sport of some more designing partisan of that power, whose emissaries are to be met with under a thousand disguises in every circle of European society, and in a thousand organs of the European press. We must doubtless ascribe to the disinterested admiration of this author for the enlightened policy of Russia the circumstance, of his having chosen as his publisher an individual better known for his connection with the Russian embassy in Paris than for the services he has rendered to French literature. To the same cause must be attributed the omission of all mention of the positive and immediate interests of France, in a performance which professes to treat of the united interests of France and Russia; though the interests of the latter power are discussed and defended with a self-denying zeal, more creditable to the attainments than to the Gallic patriotism of a Franc-Comtois. It is true that the wildest visions of political changes are scattered over these pages, with a profusion which nothing but the extravagance of a French scribbler or the ambition of a Russian diplomatist could attempt; but the knowledge of facts which some of the

writer's positions imply, the adroit turn which is given to his arguments in favour of the Northern power, and, above all, the strong Slavonian tone of feeling which pervades his project, sufficiently betray the real origin of this singular production, and completely justify us in stripping off the French mask so carelessly worn by this audacious adept in Russian camistry: he *may* be a lamb; but if he be, like Coriolanus,

He's a lamb that baes like a bear!

Brought home to a Russian, these proposals assume an importance which otherwise they would not possess. As the speculations of a Frenchman, they would only be worth attention in proportion to the accuracy with which the chances had been calculated: but when the hand of the Muscovite is discovered, in a plan whose object is to reduce England to a second-rate power, to give Russia an overwhelming preponderance in Europe and Asia, and to bribe France and Prussia to consent to this by the offered partition of Turkey, Spain, Italy and Germany, then we say the *animus* and the country of the author become matters for serious reflection.

Our readers are aware that in certain territorial discussions of great interest, which are now said to be ended to the mutual satisfaction of the cabinets of St. James and St. Petersburg, though very little to the satisfaction of the people of England, certain maps have been alluded to in which the fact of the possession of Circassia by the Russians has been incontrovertibly demonstrated by a streak of colour, implying that those coasts have long formed a part of the empire, though likely to be occupied for some time still by the gallant mountaineers whom our Russian Frenchman calls "the revolted tribes of Abasia." (P. 41.) We shall now have an opportunity of showing in what manner this Russian tint may extend itself, or has already extended itself, in the imaginary geography adopted by our author, over vast regions less independent than the mountains of the Caucasus: and if we follow the views put forward in this pamphlet, we shall find that, in process of time, all the manifold shades and differences which still variegate the map of Europe must infallibly be reduced to the simple arrangement of the three primitive colours.

When the wolf in the fable condescended to state the prin-

ciples of retributive justice upon which he was about to devour the lamb, drinking at a lower part of the brook, he resorted to the unanswerable argument of hereditary responsibility, and gratified his appetite whilst he concealed the atrocity of his taste for tender meat. This is precisely the policy of Russian manifestos. An unoffending people is accused of entertaining some monstrous design of attacking the wolf in his lair; and before it can reply to the allegation, the wolf is at its throat. A foreign merchant is detected in the very act of troubling the waters of the Black Sea, which are henceforward to be kept exclusively for the use of the Northern Megalotherion, and before his unprotected brig has had time to get a cask of fresh water, a sloop of war carries it off to Sebastopol. But when all these reasons fail to justify a more overt aggression on the independence of nations, the Russian appeals to the unanswerable argument of RACE, and cuts short all further discussion by seizing a fresh morsel to stay the huge cravings of the Slavonian Autocrat;

Atque ita correptum lacerat injustâ nece.

We have more than once had occasion to point out the use made of this argument to turn the sympathies of the Slavonian populations and the Christians of the Greek communion, now subject to Austria, Turkey and other countries, in the direction of that throne which unites the sovereignty of so large a portion of Eastern Europe with the supremacy of the Eastern Church. These doctrines are gradually instilled into the Slavonian subjects of Austria from the Danube to the Elbe; and it is well known that a secret society calling itself the society of young Slavonians, which became obnoxious to the cabinet of Vienna, was partly supported by Russian agents, no unworthy successors of the Russian Hæterists in Greece.

In Hungary more particularly these arts are industriously employed: and whilst no opportunity is lost of flattering the chivalrous Magyar nobility of that country, the Slovak population is frequently reminded of the affinity which it bears to the nations under the Russian sceptre, and of the German character of its present rulers*.

* During the visit of the Emperor Nicholas to Teplitz in 1835, he was complimented by the offer of a Hungarian regiment in the Austrian service; and he ap-

Such are the views which our author adopts as the basis of his projects; and, with a bold contempt of the Treaty of Vienna and the balance of power, he rushes at once from the Treaty of Westphalia, where Russia was not represented at all, (for the excellent reason that she had not begun to exist as Russia,) to a state of things which would secure to her a tremendous preponderance in Europe. With the theory of the three great races of Europeans in his mouth, he attempts to veil the ambition of despots under the sympathy of nations, and to overturn the provisions of diplomacy by an appeal to popular affinities.

"I see that nations, like a strong child just disengaged from leading-strings, are very ill-pleased with existing treaties, and that, in spite of the efforts of diplomatists, they will realise an idea which was entertained even in the times of Charlemagne, attempted by Louis XIV., and which Napoleon would have executed but for the disastrous campaign of Moscow; namely, to divide themselves into three great families, according to their language, their peculiar genius and their origin. The first comprises France, Spain and Italy, or the Gauls. The second would consist of the Germanic States and the Scandinavian Peninsula; and, lastly, the third would be composed of all the Slavonian tribes which extend from the Vistula to the Volga. I believe that the existing order of things must be broken up by the edge of the sword, for the human race has never purchased peace and prosperity but at the cost of bloody sacrifices. The true balance of Europe is to be found in the recomposition of these great families, and not in the preservation of a multitude of small intermediate states, whose conflicting interests can only check the progress of civilization."—Page 4.

It will be seen that our author, at the outset, reserves to

peared on many occasions in the Hungarian uniform at the head of this fine body of troops. In the following year a scarf or pennon worked by the Empress was sent to the regiment, with the following marked letter of presentation, addressed by Her Imperial Majesty to the acting Colonel.

"I have chosen the Emperor's birthday, Sir Colonel, to offer to the Hungarian regiment which bears his name that token which, with the consent of your illustrious master, the standard of the regiment is to bear.

"I shall always remember with peculiar pleasure, that it was on the plains of Culin that I saw the standard unfurled; and my heartiest good wishes will ever accompany the same and the brave soldiers who are called to fight beneath it. "I beg you therefore, Sir Colonel, to assure the gallant Hungarian regiment of these my feelings towards them, and to remain assured of my especial esteem and good-will towards yourself.

"Alexandria near Peterhof, 25th June, 1836.

"ALEXANDRA $\frac{M}{P}$."

A true copy.

France, his supposed country, a large share of those southern regions of Europe to which the Russian Autocrat cannot pretend; and that he ingeniously appeals to the sympathies of his French readers, by a project for reconstructing the magnificent Empire of their greatest leader. But after this brilliant commencement he abandons France and Europe to their fate, and devotes the rest of his pages to the mighty growth of Russia and the regeneration of Asia.

The great starting-point of all the pseudo-friends of civilization of the Russian school, who have cotton-twist to sell at St. Petersburg, or who receive the filthy wages of their sophistry from the cashier of a Russian embassy, is the downfall of the Turkish empire. To hear them enlarge on the horrors of the slave-market, the licentiousness of the harem, the sacrilegious lives of Mahometan princes, and the fanaticism of a Mahometan people, one would imagine that the days of the Crusades were returned, and that Europe was to rise, like an armed man, at the eloquence of some new Peter the Hermit, to drive the Ottoman from the shores of the Bosphorus. To listen to them when they depict the decrepitude of the Porte, the perilous position of Mahmoud, and the effete condition of Turkish institutions, one would suppose that the martial people whose war-cry has so often been heard on the Danube's banks had already ceased to exist; and that Russia was drawn towards the Golden Horn by some irresistible force like that of a vacuum, which compels the nearest particles to rush into an empty space and to fill up an abandoned throne. The answer to these extravagant declamations comes most appropriately from the mouth of England. Our commercial returns afford incontrovertible proof that each succeeding year increases the importance of our importations from, and our exportations to, this decaying people. We have evidence of an authentic kind to show that no small progress has been made by the Turks in the cultivation of their wonderful possessions, in the arts of civilized life, and in the uses of modern inventions. We are well aware that the possession of Constantinople, by whatever power—whether Mussulman or Christian, whether the subjects of the bow-string or the knout—must exercise an important influence over the destinies of Europe and Asia. But, above all, in defending the existing state of things against

the innovations of conquest or usurpation, we are defending not so much the interests of England, or of a party in England, as the security of Europe, the independence of nations and the freedom of the seas. The very weakness of the Porte, which the Russians use as an argument for its annihilation as a European power, is the strongest reason for England to maintain that power in possession of its present frontiers. Turkey can no longer be formidable to Christendom; but, supported by England, she may still prove a useful outpost to check the arrogance, the faithlessness and the ambition of Russia, whose anti-Christian policy is ill disguised under an affected horror of Islamism*: she may still occupy harmlessly that metropolis, at once the citadel and the summer-house of the world, which must prove a perpetual arsenal of danger to Europe, if it should ever fall into the hands of a prince more ambitious and more mighty than the Mahomets and the Solimans in the height of all their glory. These things are duly appreciated by a considerable portion of the English public; and nobody can have followed the march of public opinion in this country without being aware that England is still ready to defend the truth where she knows it to exist, and to oppose all schemes of despotic domination when they have risen to an importance worthy of her notice. Accordingly all the virulence of the Russian press and all the invidious arts of Russian intrigue are directed against us: but whilst the sun of court favour smiles away the cloud upon Lord Durham's brow, and the anti-national efforts of some members of the Cabinet at home are directed to the crushing of all inquiry, and throwing a veil over the usurpations of our bitterest enemy, the blast of invective and the storms of hostile menace will, we trust, have less effect in shaking the English nation from the defence of their own interests and the performance of their European duties. The following passage, which is really worthy of the *Moniteur* in its best days of imperial rhetoric, against "*la perfide Albion*," will give some idea of the height to which

* "Asia belongs to the Russians: it is for them to regenerate that vast and famous portion of the world, either by overturning Islamism, or in operating upon that religion modifications in harmony with the progress of civilization. Russia will doubtless adopt the latter plan, as being the more favourable to her own interests, and the more suited to the wants of humanity."—Page 21.

this style of composition can be carried; though we cannot congratulate the author on the justness of the principles he has borrowed, any more than on the felicity of the facts he has invented.

"Two nations are in a condition to regenerate the East, Russia, by her geographical position, and her similarity of manners and origin; England, which holds the commerce of the seas, and already possesses a fine portion of Asia. Essentially interested in the preservation of her maritime and industrial superiority, England exerts all her efforts to frighten Europe as to the designs of the Colossus of the North. But on what does she ground her declamation? *Have not the Russians always religiously executed the tenor of treaties?* Who could dare to say as much of Great Britain; and what has she made of India,—how has she justified to other nations her possession of those countries? What right can she have to thunder against Russia in behalf of the Poles, after she has tyrannized over India by means of Lord Hastings and other similar Verreses? *Perhaps the declamations sent out from that corner of Europe have hitherto paralyzed the good intentions of the Russian Government towards Poland.*

"The progress of physical improvement amongst the continental nations in the course of the last twenty years, no longer allows the trident of Neptune to govern the world. Too long the haughty queen of the seas has dragged them in tow, and has made their glory serve to raise her own. The English are, to other nations, parasites destined to impoverish them: for after having bought from others at a low rate the articles which her own soil does not afford, she re-exports them to the same spots, and takes back the money which she had left there.

"Arrived already at the zenith of her greatness, the critical moment is come at which England must decline to the rank of a second-rate power, unless she finds other means of maintaining her superiority. In this she can only succeed by forcing Russia to remain stationary at home as well as abroad, or, in other words, by forcing her to retrograde. But Russia knows her strength; threats will not make her regiments retire, and I believe her to be sufficiently adroit to foil the diplomatic intrigues of her rival. If England succeeds in gaining time, she will soon establish immense storehouses of merchandise at Trebizond or at Bassora, to inundate Turkey and Persia from thence, and to ruin the commerce of Russia. It is well known with what ardour she covets the Moultan, because the possession of the Indus would give her the key to Upper Asia. If Russia does not take care, in less than ten years English steamboats will sail supreme on that river.

"But the political and commercial liberty, which was once the glory and the strength of England, is now driven to excess by that people, and will contribute to its ruin. The other Governments, better aware of their interests, begin to dispose their subjects gradually to a reasonable liberty. By increasing their prosperity kings will soon have no reason to dread internal agitation, kept alive by pamphlets and libels and the tales of travel-

lers. Already a number of articles produced by the manufactories of the Continent may vie with those of the English. All the states which have sea-ports pay serious attention to their navies, humiliated as they are to cover their merchandise with the flag of Great Britain. When the new means of communication in Europe are finished, England will be more and more isolated; and assuredly it will be a strange sight to see these waggons and steamboats deckt with all the colours of Europe, when, from the Rhine to the Black Sea, the eye would seek in vain for that red flag which waves so proudly over all the seas. Lastly, England will soon not possess exclusively that powerful source of prosperity which she derives from her mines; other nations are awakened to these precious productions, which they will turn to profit when those of their rival shall begin to be exhausted."—Pages 9-12.

It would be an insult to the understanding of our readers to reply to these ludicrous vaticinations; but the fact of their publication in the capital of France, in the course of the last twelvemonth, is of itself so astonishing, that we could hardly leave them unnoticed. Indeed some of these views, though seldom magnified and distorted to such a flagitious extent, are but too current on the Continent. We are told that India has been oppressed by a Hastings, and plundered by a Verres; the cruel masters of Poland do us the honour of supposing that it is by a policy similar to their own that we have conciliated the affections, or at least maintained the tranquillity, of those possessions. Doubtless one of the bad consequences of the clandestine policy of Leadenhall Street has been, that the most absurd and erroneous notions have crept among foreign nations as to the real nature of the British government in India. A few vehement sentences from Sheridan's speech on Warren Hastings's trial is all they know (with the exception of Victor Jacquemont's letters) about that wonderful country. The contrast may be briefly drawn; *there* you have India, at an immense distance from the ruling country, with 30,000 Europeans, tranquilly governing eighty millions of natives, without bloodshed, almost without arms, and gradually checking by moral force the crimes and fanaticism of the natives, suppressing the Suttees, exposing Thuggee, and rallying the native princes to one standard: *here* you have Poland at the door of Russia, occupied by large armies, and within a few days' march of the whole force of the empire, her children kidnapped, her peasants pressed to the conscription, her nobles exiled, her schools closed, her temples invaded by a foreign

rite; and this has been achieved by a cognate people, a people which religiously observes the tenor of treaties, and which dares to compare these horrors to the temperate policy of one of the mildest administrations ever known in the world.

By the side of insincerity of the first class, we are not surprised to meet with an utter and perhaps a wilful ignorance of the commonest principles of trade, accompanied by a well-grounded assurance that the mines of England will soon be exhausted, her manufactories ruined and her liberties destroyed. How often have these things been said by the last generation of England's foes! and many may be the generations of foes whom her institutions and her resources will outlive, if her rights are asserted with firmness, and her power boldly used in the good cause which is identified in Europe with her existence.

We resume our author's remarks :

"The dissolution of the Turkish empire seems to be inevitable, and the possession of its fragments will infallibly bring about a collision between England and Russia. The respective situations of those nations in Asia obliges them to combat each other *à outrance*. The future possession of Constantinople is a question of life and death for one of them."

It is impossible not to remark the crafty misstatement of the real question in this place. Our author asserts that England would contend for her share of the spoil of the Turkish empire, and for the possession of Constantinople, when the furthest aim of her policy is clearly to maintain that empire unbroken, and to prevent the occupation of Constantinople by the Russians.

"If Russia delays making this conquest too long, she must expect not only to remain stationary, but to see new barriers raised against her every day. An underhand war would be carried on: Poland would again be agitated; England would avail herself of the interval to strengthen her alliances, and when war breaks out it will be on every side at once. The English will establish themselves on the Indus, whence they will be able to check Russia in Upper Asia, whilst a division of their fleet effecting a landing in the Persian Gulf would compel Persia to join them."—Page 13.

It is supposed that the European perturbation which would arise from so violent a rupture between two great powers in another part of the globe, would be determined in favour of an English alliance, by a timely cession of Saxony to Prussia, and of the whole of the riverain provinces of the Danube to

Austria (including Wallachia and Moldavia). The avowed purpose of the pamphlet is to show that in such a state of things it would be the interest of France to ally herself to Russia, "to aid that power in cleansing the Augean stable which is called the Turkish empire." There can be no use in following political speculations of so vague a character; and political foresight cannot be sharpened by these disquisitions, any more than skill in chess-playing can be imparted by the imaginary games of Hoyle: an important element is left out of the calculation, namely the will, the passions, the infirmities of the players. But the following survey of the position which it is the object of Russia to obtain on the Bosphorus, is reasoned with more accuracy, and apparently with a better knowledge of facts.

"The possession of Constantinople is the more important to Russia, as, when once mistress of that point, she would be so of all the East. Abandoned to herself, she has two means of accomplishing this end. The more certain but the longer of the two would be the gradual invasion of Armenia, whence she might proceed towards the Persian Gulf by the Euphrates or the plains of Asia Minor. *The war she might carry on in those countries would attract the attention of Europe less, on account of the distance.* The other plan would be to march an army suddenly upon Constantinople, whilst her fleets would force the entrance of the Bosphorus. Russia would then run the risk of having several enemies to deal with, yet I do not think that the whole of Europe would declare war upon her; but once established at Constantinople, what power would undertake to dislodge her? It would not be England, whose whole navy would not suffice to transport an army capable of driving away the Russians. The Prussian Land-wehr will not go alone to Moscow, much less to Constantinople. It would then require not less than 200,000 Austrians; and even if no military obstacle were opposed to the movements of so great an army, it would suffer a vast deal on a march of at least three weeks, through a country bristling with mountains and without roads practicable for artillery.

"By acknowledging Ibrahim as an independent sovereign, and securing to him the possession of Egypt, Lybia and the Arabian peninsula, Russia would acquire another powerful ally, and both parties would be gainers. The Euphrates is the limit marked out by nature, and the essential difference of the two peoples, for the last of the Arab tribes inhabit its banks."

—Page 20.

"The plans of Napoleon and those of Alexander the Great will materially facilitate the invasion of India by the Russians, in case of a rupture with England; but it is of the most urgent importance for them to pacify the Caucasus, and to keep alive the warlike spirit of the southern provinces,

in order to dispose them for the conquest of the East. Runjeet-Singh, that other Mehemet Ali, would willingly ally himself to Russia by assisting the Sykhs in taking possession of Upper Afghanistan; whilst the Shah would penetrate into Beloudchistan to occupy the coast of the Arabian Gulf. After having won over the Tartars of the Turan to her interests, and even having secured their cooperation, Russia will urge those tribes to invade Afghanistan, and take up a position behind them at Balkh on the Oxus. In that part of Turkistan she will collect her reserve, and establish vast magazines; then, placing a body of Kirgiz at the extremity of her government of Omsk, she will keep the hordes of independent Tartary in check. The magazines and reserves thus *échelonnés* at Astrakhan, Asterabad and Balkh, will suffice for the invasion of British India. The Kurds; those Klephts of Asia, only wait for a skilful leader to avenge their defeat. It would be easy to select 60,000 men from that warlike nation, who, placed in the van, would do wonders if they were supported by an army trained to European discipline. Russia must also gain them over to her interests, take possession of Erzeroum, and direct a body of her best Asiatic troops upon Mossoul, on the right bank of the Tigris. Mistress of that position she would have nothing to fear from the English, who might come from India by the Persian Gulf, or from Europe by Syria. Persia, shut in by her deserts on one side and by the Russians on the other, would be obliged to follow the banners of the latter."—Page 23.

It is not our intention to subject this project to strict technical criticism; but the proof which it affords us that men of skill and experience in matters of war have accurately studied the chances of an Asiatic campaign, strikingly confirms the assertion we once quoted from Lieutenant Burnes, that the French and Russians are far better acquainted with the countries bordering upon India than we are ourselves. The great principle here laid down for the invasion of a wild and dangerous country, by using the warlike tribes of natives as auxiliaries in the van, supported by a European army in the rear, is pregnant with great results; the adoption of it has frequently facilitated the success of the British arms; the neglect of it contributed largely to the failure of Napoleon's Russian campaign, when a vast body of light Polish cavalry might have been raised and sent before to cover the whole French army as with a curtain. Upon this one condition the invasion of the provinces west of the Indus may be possible; and upon the maintenance of English influence among the native tribes not subject to our dominion—the Oozbeks, the Koords, the Sikhs and the Persians—the question may be said to depend. That neutral ground once lost, the veneration of

these nations for the name of England once destroyed, and all exertions may be too late, all our power may prove ineffectual to stem the tide; for, as we have before hinted, the power of England in the East is essentially a moral power, and every insult which is tamely submitted to, every difficult point which is basely evaded by a British Minister, is as fatal to the interests of this country as the loss of a battle. Too many have been the insults, the evasions and the losses of political importance which we have already sustained. On the part of Russia, who that is at all acquainted with her intrigues in the Asiatic courts, and her perseverance in the great struggle with the brave tribes of the Caucasus, can deny that some progress has been made towards the fulfilment of these vast schemes? On the part of England what precautions have been taken? what ground has been secured? Yet, in the presence of these startling realities, we have Ministers who tolerate insults to our flag, which are in themselves intolerable, and which assume a ten-fold importance in connection with the portentous series of events now going on.

The European part of the question is not neglected by our author; and it is here that his projected alliance between France and Russia comes into operation. French armies are to set Europe in a blaze, whilst the Russian forces advance to the banks of the Oxus; and in this hideous dream of wicked ambition the whole of the ancient world, from the Persian Gulf to the Atlantic, becomes one vast scene of carnage and crime. If we had no other proof of the Russian origin of this performance, we should find a sufficient demonstration of the fact, in the ingenious omission of the consequences which the occupation of Constantinople by the Russians would have upon the politics of internal Europe. Were France ever to accede to so monstrous a compact—and such a one was frequently proposed by Alexander to Napoleon—it is not difficult to demonstrate that no promised compensation in Europe or in Africa could be equivalent to the occupation of Constantinople by the Russians, since that very position of Russia would render the tenure of the countries so acquired by France perpetually insecure. They could be at most only fiefs held under the Emperor of the East. It has become so much the fashion among a certain class of politicians to point

their diatribes against England, with invectives and menaces on the score of her Asiatic possessions, that they have succeeded in blinding a large portion of the public, particularly in France, to the immediate consequences which such an event as the taking of Constantinople must have on every part of the shores of the Mediterranean. A thousand obstacles may prevent or delay the progress of Russia towards the East; but as soon as her flag waves over the Seraglio, and in exclusive possession of the Black Sea, she must become a Mediterranean power of the first importance. Greece and Egypt might be allowed to remain independent states, but on condition of supplying her fleets with an ample provision of admirable sailors, and of supporting her claims to the sovereignty of that sea. What would then become of the old adage that the Mediterranean is a French lake? What resistance could the jealousy of France, which cavils at our possession of the rocks of Malta and Gibraltar, oppose to a mighty empire, extending over the Levant, with Constantinople for its citadel and the Black Sea for its harbour? From that hour the whole destinies of the south of Europe must inevitably be changed. The influence of France would have to struggle for its very existence with a power which concentrates her whole resources on external politics,—a power proverbially intermeddling and fanatically attached to the cause of absolutism. What hopes would then remain for Italy, what chance for Spain, what security for France herself? If Russia were now in undisturbed possession of Constantinople, would the French be at Ancona? Would Don Carlos have been shut up for four years in the mountains of Biscay? Would the Duc de Bourdeaux not be awaiting the moment when a Russian fleet should restore the white flag and the son of St. Louis to the enthusiastic and royalist population of the south of France? And would not the communications between Toulon and Algiers be liable to be intercepted by the first caprice of a foreign sovereign? France and Europe in short would perpetually lie open to attack in their most vulnerable parts, whilst Russia would remain as inattackable as before.

We do not mention these palpable truths to confute the ridiculous supposition that France will consent to forfeit her

rank in Europe by a voluntary alliance with Russia, or be a party to changes which would be so fatal to none as to herself. But there undoubtedly are men in that country who are so haunted with brilliant anticipations of what Russia is to effect from the Caspian to the Ganges, that they forget what she may acquire the means of attempting from the Tiber to the Pyrenees. There is another party, who are less led away by the dreams of a Russian millennium, but who imagine that England is the first to be attacked, that we are to bear the brunt of the battle, and may think ourselves well off if we have the good wishes of our French allies.

We have heard politicians of no mean rank in France discuss the conditions of territorial aggrandizement which their country might hope to obtain from England in exchange for her offensive and defensive alliance. It is certainly neither the policy nor the desire of England that France should be subjected to any unfavourable conditions; but even if it were so, we maintain that she ought to purchase at any sacrifice the co-operation of England against this new Mediterranean foe, and that she ought to reject with scorn and distrust the insidious offers which have ever gilded the advances of Russia's diplomacy.

But the question at stake is not peculiar to this or that people; and we are roused from apprehension to indignation, when we hear it argued as affecting the possessions of Austria today, the coasts of France or the commerce of England tomorrow. It is a question common to us all, because it affects the rights and the honour of all; and by rights and honour we do not mean the stipulations of parchment treaties or the punctilios of civil etiquette; but the moral sanction of justice, and the maintenance of political dignity, by which alone the interests of any nation can be perpetually guarded, and the peace of the world preserved. National honour is like national credit: indeed it is credit: the world trusts England for her power as much as for her wealth; and the Minister who makes his country play the craven, who submits to affronts which ring her shame round the world, and who calls this submission peace, is not a whit less guilty than if he disowned the claims of the public creditor and made the state a bankrupt. The credit of a country or a merchant consists in

a known ability to meet every engagement: the honour of a nation, which protects her more than fleets or forts, consists in a known determination to meet every aggression.

The following passage, which is one of the most able parts of the pamphlet before us, shows what Russia is actually doing at the present moment, and that the whole question of India and the Mediterranean centres in the Black Sea. It is the more interesting from its having been published before the affair of the Vixen took place.

“Negotiations opened with the Ottoman Porte with a view to obtain the entrance of the Black Sea for ships of war of other nations, would have no other effect than that of allowing an English fleet to enter for the purpose of observing and blockading the ports of Russia. The latter power will never allow such a permission to be granted. The Euxine cannot be compared to other seas. The war-flag of other nations cannot be freely unfurled on the Black Sea, until that of Russia is able to contend with a certainty of advantage and without fear of a surprise. The possession of this sea belongs by right to Russia—by the *ancient*, if you please to call it so, or *destiny*: but it is not the less certain that the sea will one day belong to her, and on that day she will also be mistress of Asia.

“On the side of Russia the Black Sea possesses a number of remarkable bays, where vessels may find a sure harbour. Without speaking of Sebastopol, the first maritime arsenal of Russia, there are several other places which might have a similar destination. Notwithstanding the unfavourable opinion which is conceived of Chersonesus, that city, though surrounded by land, may render great assistance in a maritime war. It will be well to continue the works of Korsakoff, without regarding the difficulties of that spot, which may then acquire a first-rate importance in commerce as in war. *Ioud-jouk*, the Genoese city, may become an important fortress, and command a coast where there are several safe harbours, which might easily be defended by batteries.

“As England cannot permit the Russians to conquer the Ottoman Empire, the latter ought immediately to put the points which I have just spoken of into a formidable condition for defence, and to calculate the chances of a bombardment or even of a descent on the coast. Looking forward to a war with Great Britain, the Russians will concentrate their forces to form two squadrons, which will support each other, and take possession of the mouth of the Bosphorus, if they have time to do so. But if the enemy's fleet has taken the start, the Russian vessels would array themselves under the protection of their places of defence, where the English could not attack them without exposing themselves to great losses. Thus supported by their maritime arsenals the Russian fleets could not be beaten or destroyed, without causing such damage to their enemies as would render an effectual descent impossible: but victory might declare itself on the side of Russia, and in that case their advantages would be

rapid and incalculable. Besides, as England would have to face the three navies of France, Russia and Egypt, she could never unite a large force on any one point. Those three allies, having few or no colonies to protect, would confidently await, in their own waters, the approach of the English ships, and their chances of success would be pretty nearly certain from the facility with which they would be stored and assisted. It would be sufficient for them to send out privateers on all the seas of the globe to attack the commerce of England, and God knows what disturbances and confusion such a system of warfare would bring upon the interior of Great Britain."—Page 39.

Our Russo-Frank takes an especial pleasure in harping upon this last chord: in an earlier passage he says, with a keen perception of the advantages which Russia might derive from an alliance with North America,—

"Finally, it would be all the easier to contract an alliance with America, inasmuch as the re-annexation of Canada would be an agreeable prospect for the United States. This alliance would be precious to Russia, from the loans which she would be enabled to contract with the different Banks of the Union.

"Moreover, it would strike a mortal blow at the commerce of England, and a non-intercourse act would be sufficient to annihilate the cotton trade, and carry disorder to the heart of the British empire,"—Page 23.

The Franc-Comtois, Russian as he is, has forgotten that a greater than Nicholas tried, and tried in vain, to destroy us by destroying our commerce. But seriously speaking, does our pamphleteer not know that this is a game at which two parties can play? Are there no interests in Russia which might be engaged in opposition to the madness of one Czar or of a succession of Czars? If the Russian does not know some of the secret history of his own land and court, it is not because the facts are unknown beyond their limits. We will recall them to his recollection. The race of Orloff is not extinct: and a slight rise of duty might send the Imperial House of Romanoff out of the world, like an ill-snuffed candle, in a *tallow-panic*. To this we would not willingly be compelled:

"We would not be their executioners.

Rather let them end, *more majorum*, by the hands, and for the private interests, of their native mutes, the old Russian families!

We can assure our author that neither the nobles nor the mechanics of England will murder their sovereign, even though

the cotton trade should be annihilated; but hemp and tallow may have properties which cotton has not.

And all these consequences are to result from the right of destiny. If so, we can only say that we have no faith in rights, which sanction a wholesale system of plunder, and that British sailors are not very apt to believe in a destiny which dooms them to be beaten. The rights of destiny are regulated by the will of Providence, not by the dreams of a barbarian. When Xerxes, and Attila, and the Saracens crossed the Hellespont, the Rhine, and the Pyrenees, the rights of destiny were their blasphemous watchword: but a Miltiades awaited the Persian on the plains of Marathon, a Theodoric overthrew the Hun by Chalons-sur-Marne, a Charles Martel, backed by the flower of Europe's chivalry, scattered the infidel host at Thoulouse,—and the destinies of mankind were saved from their ruthless invaders. From the days when the Varangian body-guard of the Greek emperors ruled the court they had sworn to serve, or when Peter the Great first launched a Russian fleet before Azoff, to the present hour, the cloud of the North has been lowering over the South. But are there none to ward off the storm? The descendants of those who crushed the Calmuck of old, are ready to do battle with him now, in the same cause and under the same banner!

Euturity will disclose the projects which may lurk in the haughty mind, and kindle the fanatical ambition, of the Czar, if those projects are not already reduced to positive schemes, if those schemes are not already in progress of execution. But is it not clear and certain, as was said of Buonaparte in 1805, that for seven frightful years he has been doing, without intermission, all that he must do on the very worst supposition, and that he has succeeded in things which seem very unequivocally to prognosticate the most pernicious and desperate issue? Is it not enough for us to know that Poland was goaded by unparalleled breaches of her constitutional rights into a conflict, not avoided but desired by the Russian Government, because it afforded an opportunity of annihilating all semblance of liberal and national institutions in that kingdom?

The progress of encroachment is become so certain that,

* Gentz, Political Fragments, 1806.

without pretending to any extraordinary political foresight, we have repeatedly predicted the very losses and the very insults which have been realized within a short period by the rapid advance of the system. The revelations of the Portfolio have disclosed the germ of this vast plot against the security of Europe, as it existed before the Turkish campaign of 1828. The Polish Revolution and the recent occupation of Cracow were significant episodes in its conduct: but war has constantly gone on upon the eastern shores of the Black Sea, and Russia has never ceased to storm that mountainous tongue of land, which is the bridge connecting her territory with the southern provinces of Asia.

Eighteen months have now elapsed since the declaration of Circassian independence reached England. "Russia," says that remarkable document, "has built forts on our territory, but they dare not venture beyond the reach of their guns: 50,000 Russians have lately made an inroad, and they have been beaten. If Russia conquers us, it will not be by arms, but by cutting off our communications, and making use of Turkey and Persia as if they were already here; *by rendering the sea impassable, as if it were her own; by blockading our coast; by destroying not only our vessels, but those of other states which approach us; by depriving us of a market for our produce; by preventing us from obtaining salt, gunpowder and other necessities of war, which to us are necessities of life,—by depriving us of hope.*"

The recent events accompanying the capture of the Vixen have made this prediction come true to the very letter. Is there no faith to be attached to politicians whose predictions have hitherto been so accurately confirmed? Is no alarm to be excited by the shadows of coming events—"non unquam credita Teucris," when they are so soon followed by the presence of danger and by acts of violence? Yet Lord Palmerston, in spite of the evidence accumulated before his eyes, in spite of the law officers of the crown, in spite of past events and future certainties, has persisted in accepting and adopting for his own the base equivocation of the Russian Government. He has treated the seizure of the Vixen as the proper penalty for some isolated infringement on coast regulations, instead of avenging it for what he knows it to be—namely, a

positive manifestation of those designs which are ultimately to throw the Black Sea and its golden gates into the keeping of Russia. Πότε οὖν, ὦ ἄνδρες Ἀθηναῖοι, πότε ἂν χρὴ πράξαι; ἐπιδὼν τι γίνηται; ἐπιδὼν ἢ Δία τις ἔ; νῦν δὲ τί χρὴ τὰ γυγνόμενα ἡγεῖσθαι; ἔγωγε μὲν γὰρ οἶμαι τοῖς ἐλευθέροις μεγίστην ἀνάγκην τὴν ἐπὶ τῶν πραγμάτων Αἰῶντινὴν εἶναι.

The course pursued by the Cabinet of St. Petersburg is so daring, that the extravagant rhapsodies of the pamphlet before us scarcely exceed the bounds marked out for its attainment. Yet the worst that is past (to borrow another sentiment from the orator whose language fills the mind when Philip is to be denounced,)—the worst that is past falls short of the best that is in store; but as we have done nothing to prevent affairs from arriving at their present condition, there is some hope that when England is roused it may not be in vain. If the progress of Russia has hitherto been checked, we owe more to the timidity of her supporters, to the prudence of the King of Prussia, and to the apprehensions of Prince Metternich, than to the vigilance or boldness of France and England: for such is the complexion of these schemes, that those who should aid in putting them into execution, recoil from their adoption. It is owing to these obstacles alone that an alliance for the purpose of dismembering the Turkish empire was not concluded at Teplitz in 1835. The English Government is doubtless aware of what offers were made by the Emperor of Russia on that occasion, and the Sultan has learned them through the proper channel; but as the public is not in possession of a complete history of the transactions, we shall briefly state a few authentic particulars of that remarkable year.

The summer of 1835 was devoted by the Emperor Nicholas to a diplomatic campaign, intended to render the great Northern nations propitious to his designs on Constantinople, to dazzle their armies by his splendour, to captivate the Prussians and Austrians by his affability, and to bribe their sovereigns by a share of the spoil. The execution of this plan commenced at Kalisch, where a considerable body of Prussian troops had been collected on the Russian territory, for the period of the military manœuvres. A temporary city had been built in the plains for their reception, with a theatre and

public places of amusement; each officer found handsome quarters prepared for him, with rich presents from the Czar; and the most luxurious fare was lavished with barbaric magnificence. But the strong antipathy of the Prussians to their northern neighbours became more and more manifest; serious differences arose between the soldiers, and the Russians complained of their unsociable guests. The cry of "Down with the Russians!" was heard in the streets of Berlin. The Emperor renounced his intended visit to that capital; and he repaired, full of his projects, but disappointed by the result of his costly hospitalities, to Teplitz*. There it was that he proposed the partition of the Turkish empire to the monarchs of Austria and Prussia: we are unacquainted with the conditions which he offered; they must have been of the most brilliant kind, since they were intended to compensate for the possession of Constantinople itself by Russia; but they were strenuously and wisely refused. We hold these details from an authority, present at the Congress, upon whom we have reason to rely with entire confidence. The manner in which the Austrian ministers watched their master, to prevent him from sinking under the able and active tactics of his guest, and the contrast between that feeble prince and Nicholas in the pride of his might and manhood, was exceedingly striking. But notwithstanding his superior personal advantages, the Russian was baffled on every point, except with regard to the occupation of Cracow, which was probably concerted at the same time. He came on to Prague, and the Austrian court was still more wounded by the contrast between their own Emperor and his terrible guest. The utmost skill of courtly deceit could scarcely conceal the uneasiness of both parties. One day the Emperor of Russia told the Emperor Ferdinand that he wished to see Vienna, and to visit the tomb of his old ally Francis. The successor of the Cæsars, having no prompter at hand, was

* The following anecdote is characteristic of the man. Amongst the various parties of pleasure which were contrived to entertain the imperial and royal personages, a day was devoted to visit the castle of a neighbouring nobleman, situated in one of the most beautiful parts of the romantic environs of Teplitz. The Emperor Nicholas was of course to be included in the party; but before he started he inquired what was to be done there; he was informed that the castle was remarkable for the beauty of the scenery about it, and for the high character of its noble master—"Scenery!" cried the Emperor, "I am tired of fine scenery!"—and the Emperor of Austria paid the visit without his imperial guest.

mate with embarrassment. Nicholas repeated his wish ; Ferdinand burst into tears. The Emperor of Russia however was not put out of countenance: he asked Prince Metternich for a letter of introduction to the Princess, arrived at Vienna, drove about in a hackney-coach, and shed a few tears in the imperial vault. It was not till he had recrossed his own frontier that the imperial actor dropped his part: he had failed at Kalisch, he had failed at Teplitz and at Prague, and even at Vienna ; and the mortification which he felt at the waste of his efforts found a vent in that brutal harangue to the municipality of Warsaw which astonished Europe.

Before we conclude, we must indulge ourselves by quoting one more of our author's amusing caricatures, in which the guardian angels of the world are drawn in the novel garb of Cossacks and Muscovites: and as we are accused of writing "for the sole purpose of abusing and misrepresenting the Government and people of Russia," we are happy to take this opportunity of showing, in the language of her warmest admirers, "how materially she has promoted the interests of commerce and civilization." Fortunately the British public have ample means of appreciating the irony of such a defence.

"It is time to do justice to these virulent attacks, suggested by false, or at least exaggerated statements, which distort facts for the purpose of keeping up a general and constant irritation against Russia. If the internal organization of that vast empire was sufficiently advanced to allow of the introduction of the *liberty of the press, as it exists in Prussia and Austria* (!), many errors would be dissipated. It would be seen that the Emperor Nicholas does not torture his subjects as is vehemently asserted. After all, exile for exile, Siberia is perhaps preferable to Botany Bay ; and besides all the unhappy beings condemned to those mines are not there for political crimes alone."

We have never defended the system of flogging in the British army, and this very number of our Journal expresses the sentiments of horror with which we regard the penal colonies of England. But however repugnant these things may be to our manners, there is surely some distance between them and the conduct of an Emperor who threatens to bombard the third city in his dominions, or who goes to the barracks of a regiment which has shown slight symptoms of insubordination, and orders the men to be decimated on the spot. There is surely some difference between Siberia, where *all* the convicts

are not sent for political offences alone, and New South Wales, where, with a few very rare and shameful exceptions, there are *no* political offenders at all.

"The accounts of several travellers confute these assertions, and represent the people as happy, peaceful, addicted to husbandry and other employments. A single fact will suffice to prove it: twenty years ago the total number of manufactories amounted to forty; there are now six thousand. Many French peasants would willingly exchange their condition for that of the Russian peasants, who have the privilege of taking the materials required for the construction of their houses without paying for them, and of choosing in the meadows the pastures best suited to fatten their oxen."

Happy beings! they have all this, and, like the black Sybarites of America, they have slavery to boot—

O fortunatos nimium, sua si bona norint,
Agricolas!

"Whenever the population is under the immediate control of the Government, a provision is made for the unfortunate, the infirm and the aged. The poverty of the Russian people is of very ancient date. Exposed to the irruptions of the most dangerous nomadic tribes, the descendants of the Sarmatians were almost brought back to the savage state by their former oppressors. Nevertheless the Cossacks, who are said to be barbarous, ferocious and plunderers, *do not kill an enemy on the field of battle, from a fear, it is true, that the blood might stain the booty: which proves however that they are not sanguinary.*

"Estimable writers have asserted that the Russians are incapable of being brought to the degree of civilization of the other nations of Europe. If this assertion be not blinded by passion, it is at least somewhat unphilosophical. These writers forget that Russia has only existed for a century, and that the populations they visited have only just been rescued from a nomadic life or from the baleful dominion of the Turks. This assertion is again confuted by a number of Russians, who have distinguished themselves in all professions. Their diplomatists are numerous and celebrated. They have had, and they still have, skilful commanders; Paskewitch the conqueror of the Caucasus and Armenia, the able and prudent Pahlen, Count Toll a brilliant tactician, are certainly by no means inferior to the generals of other powers, and would be well placed in the command of armies.* Literature and the sciences are cultivated by men of remarkable attainments, as Lomonozoff, Sumorokoff, Karamsin, Boulgarine, Bertram, Sa-

* Why is Paskewitch styled by this candid panegyrist, the conqueror of the Caucasus, which is still unconquered; and not the conqueror of Poland, where his fame is indelibly recorded in stains of blood? Of these eminent men how many are of Muscovite extraction? Is it not a notorious fact, that the brightest ornaments of the Russian service are renegades from the German and Polish provinces, or adventurers from the south of Europe?

chardoff, &c. By the generous use of an immense fortune Demichoff contributes to the glory of his country, by displaying virtues (1) of another kind: the Crimea especially is indebted to him for the creation of several establishments for the arts and agriculture, which will raise it rapidly to the level of the most favoured regions of the empire.

"In the career of improvement which Russia is pursuing, she may, like all other states, undergo a crisis: the part of the Government, of the nobility, is to direct her. They will be the first to gather the fruits of the prosperity which they have imparted to the population; and it may be said, to the praise of the Government, that such is the course it has adopted. Lastly, when the danger of great wars shall have passed away, or shall be considerably diminished, the Government, free from without, will be able to concentrate all its action on internal improvement; and the docile serf, full of pliancy and facility in retaining knowledge, will lend himself wonderfully to all the ameliorations of which he is susceptible."—Page 46.

Such are the visions of glory and the high aims of Russian civilization, which are to regenerate the earth.

In several parts of this pamphlet the author amuses himself by exaggerating to a ludicrous degree the actual resources of Russia. In England the policy of the writers who celebrate the magnanimity and moderation of the Czar has been to enlarge upon the want of credit and pecuniary supplies which, according to them, must check the march of Russian civilization and clip the wings of the Russian eagle. Of the two errors the former is the least dangerous, and the least remote from the truth. The resources of the Russian Government are enormous, though they are not of a nature to be easily calculated by strangers, or to be displayed till the emergency has arrived which requires them to be exerted. The gold-mines in the hands of the Russian Government are of themselves likely to produce a very great change in the quantity of bullion now raised in the world. We learn, from a very good authority, that a new process of washing and extracting the ore has recently been introduced in the Ural mountains, with such success as to increase eight-fold the quantity of metal obtained. That quantity is now about 400 pouds per annum; the poud is about 40lbs. English, and the value of the gold now raised may be stated in round numbers at 750,000*l.* to 800,000*l.* But it is stated that the works may within a short time be made to afford 8000 pouds annually, if the Government requires it, which would represent a value of sixteen millions sterling per annum!

A period of war must indeed intervene, according to our author, before the enslaved world can be taught to lend itself to all the ameliorations of which it may be susceptible under so admirable a system. In this we assent to our author's conclusion :

Erunt etiam altera bella,

Atque iterum ad Trojam magnus mittetur Achilles :

but they will be wars to protect all that is most free, most cultivated and most valuable in Europe, against the rude hordes and the scourge of God, which threaten once more to overwhelm the fairest regions of the earth.



THE BRITISH AND FOREIGN REVIEW.

ARTICLE I.

A History of the United States, from the Discovery of the American Continent to the present time. By GEORGE BANCROFT. Vol. I. Boston: Published by C. Bowen. London: R. J. Kennett, 1834.

THE important work, the name of which we have placed at the head of this article, has not attracted in England all the attention which its merits justly claim for it. Although it has been published something more than three years, we have the honour of being the first, we believe, to direct the attention of English readers to a volume of American history which is full of instruction upon topics deeply interesting to the public mind of this country, written in a pure style of historical composition, and replete with gratifying proof of the diligent and impartial spirit in which the author applied himself to his task. Our first intention was to examine the work chiefly with reference to its literary pretensions; but we were forced to acknowledge that it possessed higher claims upon us. History we are told is, or ought to be, philosophy teaching by example, and we have found in Mr. Bancroft's book lessons painfully appropriate to the party struggles of our own time and country—for they teach, by many a pregnant example, how wealth, happiness and concord attend upon *self-government*; and they tell of the cruelty, the meanness and the folly of *intolerance*.

The little bands of adventurers who at various periods

crossed the Atlantic to take possession of the territory which now constitutes the United States of America, were distinguished from each other by the object of their emigration, their religious observances, and the system of internal government which they brought out with them; but they were all children of the same English mother, all associated in one common adversity, and connected by the most enduring of ties, a common language. For nearly the whole of the 16th century and at the beginning of the 17th, whilst Europe was plunged in the quarrels of the Reformation, the dissensions of the time had the effect of dividing society in England into three parties, each of which contributed its quota of men, of political theory and of religious doctrine to the colonization of North America. Looking at that belt of land which in breadth reaches from the ocean to the Alleghany Mountains, and in length from Nova Scotia to the most southern point of Virginia, we find that the Virginian settlers may be taken as the representatives of the High Church and Cavalier party; that Maryland was planted with Catholics under Lord Baltimore, a Catholic Peer; and that New England was the resting place of Calvinism after its long sufferings, bitter persecutions and weary pilgrimage.

But whatever points of distinction the colonies might in other respects present, they had one important feature at least in common; all carried with them the seeds, deeply planted in their constitution and more or less developed in their condition, of a complete democracy. The emigrants came from a country where the frequent discussion of religion and politics had impressed upon society a character of austerity and a love of debate, the consequences of which were a great improvement in morals, and a wonderful spread of instruction among the people. They brought with them generally no great inequalities of rank: the prosperous and happy are seldom the persons to embark in schemes of emigration; such men lack inducement to separate themselves from the comfort of home and the respect of the society in which they live; poverty and discontent, the great incentives to perilous enterprise, are also the great levellers of conventional distinctions. Some noble and wealthy individuals may occasionally have been driven to seek a refuge across the Atlantic from

political or religious persecution ; and some there were who sought to increase their wealth and power. by the acquisition of vast domains in the New World. Under the influence of persons of this description we find that attempts were made from time to time to establish gradations of rank ; but the constitution of American society appears to have been ever opposed, radically and essentially, to the creation of a territorial aristocracy.

" It happened, however," says M. de Tocqueville, " on several occasions that persons of rank were driven to America by political and religious quarrels. Laws were made to establish a gradation of ranks ; but it was soon found that the soil of America was opposed to a territorial aristocracy. To bring that refractory land into cultivation, the constant and interested exertions of the owner himself were necessary ; and when the ground was prepared, its produce was found to be insufficient to enrich a master and a farmer at the same time. The land was then naturally broken up into small portions, which the proprietor cultivated for himself. Land is the basis of an aristocracy, which clings to the soil that supports it ; for it is not by privileges alone, nor by birth, but by landed property handed down from generation to generation, that an aristocracy is constituted. A nation may present immense fortunes and extreme wretchedness ; but unless those fortunes are territorial, there is no aristocracy, but simply the class of the rich and that of the poor."—*Democracy in America*, vol. i. p. 21.

Mr. Bancroft informs us that his work will probably be completed in four or five volumes. The present volume begins with a succinct but agreeable narrative of the early voyages of discovery ; the subject then divides itself, spontaneously as it were, into three parts, in each of which the author brings the history of the portion of the Union to which it refers down to the Restoration of Charles the Second. The necessity of this distribution arises obviously from the distinction which we have pointed out in the three classes of emigrants, the parent stocks of American society ; and accordingly the historian begins with Virginia, the earliest of the colonies, he then proceeds with an account of Maryland, and concludes with, what is by far the most important part of the work, a narrative of the affecting incidents which led to the settlement of the New England States, and of the remarkable success with which the sacrifices and exertions of the pilgrim-fathers were ultimately rewarded.

Our limits, and the objects which we intend to keep in view,

will not permit us to dwell at any length on the history of the early voyages. Spain, Portugal, France and England had all engaged in projects, not so much of colonization as of mercantile speculation. The success of the Spaniards in South America was the chief spring from which the romantic passion of that day for maritime enterprize derived its strength, and gold was the great attraction by which the adventurers were drawn into a career of incredible hardship and danger.

"The daring and skill of these earliest adventurers upon the ocean deserve the highest admiration. The difficulties of crossing the Atlantic were new, and it required the greater courage to encounter hazards which ignorance had exaggerated. The character of the prevalent winds and currents was unknown: the possibility of making a direct passage was but gradually discovered: the imagined dangers were infinite; the real dangers exceedingly great. The ships at first employed for discovery were generally of less than one hundred tons burthen; Frobisher sailed in a vessel of but twenty-five tons; two of those of Columbus were without a deck; and so perilous were the voyages deemed, that the sailors were accustomed before embarking to perform solemn acts of devotion, as if to prepare for eternity. The anticipation of disasters was not visionary; Columbus was shipwrecked twice, and once remained for eight months on an island without any communication with the civilized world; Hudson was turned adrift in a small boat, by a crew whom suffering had rendered mutinous; Willoughby perished with cold; Parmenius, Gilbert—and how many others?—went down at sea; and such was the state of the art of navigation that intrepidity and skill were unavailing against the elements without the favour of Heaven."—Page 132.

No common inducements could have availed to lead men to encounter such fearful perils, and extravagant indeed appear to have been the notions then pervading the minds of all classes,—of princes equally with their meanest subjects. The existence of rivers glittering with sands of gold—of mines containing riches "to suffice all the gold gluttons of the "world" was an unquestioned belief. The philosophic Raleigh and the prudent Elizabeth were alike dupes of the universal delusion. Superstition also lent her assistance, relating, among her other fables, strange tales of fountains of perennial health. Speaking of Juan Ponce de Leon, an old warrior in the service of Spain, the discoverer of Florida and companion of Columbus in some of his voyages, Mr. Bancroft tells us that

"The veteran soldier, whose cheeks had been furrowed by hard service as well as by years, had heard and had believed the tale of a fountain which

possessed virtues to renovate the life of those who should bathe in its stream, or give a perpetuity of youth to the happy man who should drink of its ever-flowing waters. So universal was this tradition that it was credited in Spain, not by the people and the court only, but by those who were distinguished for virtue and intelligence. Nature was to discover the secrets for which Alchymy had toiled in vain, and the elixir of life was to flow from a perpetual fountain of the New World, in the midst of a country glittering with gems and gold."—Page 37.

The French had made unsuccessful attempts to colonize Florida, and had been engaged there in bloody though fruitless skirmishes with the Spaniards. But their efforts were not without an important influence on subsequent events: Walter Raleigh was at that time in France, studying the art of war, in company with the Prince of Navarre (afterwards Henry IV.), under Coligny, a veteran leader of the Huguenots, and who had himself accompanied some of the Florida expeditions. The French people were much excited with these topics, and Raleigh imbibed from his companions that passion for western enterprize which was ever afterwards so marked a characteristic of his eventful life. On his return to England he prevailed on the Queen to assist these expeditions, and she continued to patronize such as were set on foot during her reign. But they were all unsuccessful, chiefly because the adventurers looked rather to reap enormous and sudden profits from the discovery of gold, than to the steady advantages of a well-planned scheme of colonization. Elizabeth herself was at one time persuaded that she was to gather immense returns of gold from the southern coast of North America; at another she believed that the discovery of a north-western passage would enable her ships to penetrate to the fabled riches of Cathay; and again she was absurd enough to hope for the discovery of mines of incalculable splendour amidst the regions of eternal ice. The maiden Queen has left a name to Virginia, and to posterity the great results of a policy which was conceived with very different views.

But the time was approaching when the thoughts of men and rulers were destined to turn towards undertakings of a more rational and permanent character. The first charter of Virginia was granted by James I. in the year 1606. A variety of circumstances, according to our author, concurred to render this period of time peculiarly favourable to such pro-

jects : the art of printing was now in full operation, diffusing intelligence and circulating the discoveries of science : the spirit of commercial enterprize had taken a more extended flight : industry had enriched the productive classes and enlarged their influence, whilst the estates of the nobility were gradually becoming impaired* and their power considerably reduced : the golden delusions of the preceding reign were dissipated, and loftier motives were beginning to influence men's minds. The condition of England at the time was propitious to American adventure : " A redundant population
 " had existed even before the peace with Spain ; and the timid
 " character of King James, throwing out of employment the
 " gallant men who had served under Elizabeth by sea and land,
 " left them no option but to engage as mercenaries in the
 " quarrels of strangers, or to incur the hazards of emigration
 " to a new world. The minds of many persons of intelligence,
 " rank and enterprise, were directed to Virginia."

On the 16th of December, 1606, the first embarkation of persons destined to remain in America set sail from England : the number of these was one hundred and five, of whom only twelve were labourers and very few mechanics. As might have been expected, the attempt was a failure. In the year 1609 James granted a second charter, by which Lord De la Ware was appointed Governor and Captain-General of Virginia for life. Great numbers of persons desired to emigrate under this patent, and, assisted by the public enthusiasm, which seemed almost to have grown out of former disappointments, ample means were found to fit out a fleet of nine vessels, in which upwards of five hundred persons embarked. The results of this expedition were not less disastrous than

* The mercantile interests of England had for some time cried aloud for a relaxation of the feudal system so as to bring the estates of the aristocracy into commerce; and the judges, who were then much in advance of the legislature in point of intelligence, were astutely discovering the means by which this great object might be legally attained. To the judges we owe the invention of the system of *finces and recoveries*, described by Blackstone as " fictitious proceedings introduced
 " by a kind of *pia fraus* to elude the statute *de donis*, which was found so intolerably mischievous, and which yet one branch of the legislature would not then
 " consent to repeal." (*Blackstone*, vol. ii. p. 117; Coleridge's edition.) This discovery was followed up during the reign of Henry VIII. by several statutes, all tending to the same effect : it was the policy of that monarch to afford every possible facility to the alienation of landed property, in order to weaken the overgrown power of his nobles. Entailed estates were thus gradually unfettered and reduced to the condition in which, with slight variation, they have since remained.

those of the other: these were not the men destined to become the sires of American citizens: "the emigrants of the last arrival were dissolute gallants, packed off to escape worse destinies at home, broken tradesmen, gentlemen impoverished in spirit and fortune, rakes and libertines, men more fitted to corrupt than to found a commonwealth *. It was not the will of God that the New State should be formed of these materials; that such men should be the fathers of a progeny, born on the American soil, who were one day to assert American liberty by their eloquence and defend it by their valour."

This attempt was on the point of being abandoned: the colonists were suffering extreme hardships, augmented by disunion and internal jealousies: the climate was unwholesome to men in their helpless condition; numbers were dying from disease and starvation. The few whom death and desertion had left at Jamestown were in the act of departing, with the intention of joining the fishing-stations of Newfoundland, when they were met by Lord De la Ware himself, coming up the river with new emigrants and abundant supplies. Hope revived for a time; but the health of Lord De la Ware sinking under the diseases of the country and the cares of his station, he too was obliged to return to England, leaving the colony in a disastrous condition, and the number of settlers reduced to about two hundred. One of the results of these calamities was a great re-action in the popular mind in England: "in the age when the theatre was the chief

*The first part of this extract is copied verbatim from Stith the historian of Virginia; but from the manner in which the quotation is printed we took it for original; and it was only on finding that M. De Tocqueville quotes the same passage, giving the name of the author, that we discovered our mistake. The name of Stith certainly is printed by Mr. Bancroft at the bottom of the page, but only as one of the usual references to authorities; a passage extracted from the writings of another author should be printed with inverted commas. We trust that this observation on a trifling fault will be taken, as it is meant, kindly. We are far from imputing blame to Mr. Bancroft for the diligence with which he has compared documents contemporaneous with the events which he relates, and consulted the works of former historians; this is most praiseworthy, or rather it is a positive duty imposed upon him by the nature of the important task which he has undertaken. But the error which we have thought it right to notice is not confined to this single instance; there are traces of the same omission to be found elsewhere. In the beautiful chapter where the sufferings and the courage of the pilgrim-fathers are described, we trace some passages quoted, in the same objectionable manner, from old Nathaniel Morton, the puritan annalist of the early years of New England.

"place of public amusement and resort, Virginia was introduced by the stage-poets as a theme of scorn and derision*." But there were spirits who never despaired of success even in moments of the greatest discomfiture: among such was Sir Thomas Dale, whose letters to the Council in England, while they acknowledged the small number and the weakness of the colonists, yet breathed a spirit of undying hope in the future destinies of Virginia. "If anything other-wise than well betide me," said he, "let me commend unto your carefulness the pursuit and dignity of this business, than which your purses and endeavours will never open nor travel in a more meritorious enterprize. Take four of the best kingdoms in Christendom, and put them all together, they may no way compare with this country, either for commodities or goodness of soil." The remonstrances of Dale, backed by the interest of Lord De la Ware, were the means of obtaining immediate relief for the settlers: so prompt indeed was the assistance, that the fleet as it approached was mistaken for a hostile force by those to whom it was carrying hope and the means of existence. The number of the colonists was now greatly increased; a new settlement was founded, to which was given the name of Henrico, after prince Henry, the eldest son of James I.; a better discrimination was used in the selection of emigrants, and a large supply of live cattle was landed in the colony. But of all the elements of prosperity now so happily introduced, the most important were the establishment of the right of private property, instead of the joint-stock system which had been acted upon hitherto, and the introduction of the *democratic principle* into the government of the colony†.

* One of these allusions is to be met with in the play of "The Roaring Girl," written by Middleton and Dekkar, and published in the year 1611, immediately after the failure of the first expedition under Lord De la Ware's charter.

"*Moll Cutpurse*.—Think upon this in cold blood, Sir: you make as much haste as if you were going upon a sturgeon voyage. Take deliberation, Sir; never chuse a wife as if you were going to Virginia." (Act 1. sc. 1.)

Another allusion to Virginia is introduced in the old play called "The Hog hath lost his Pearl," by Robert Taylor, acted about the year 1612.

"*Haddit*.—Till when, let this outward ceremony be a true pledge of our inward affections. [Exit Rebecca.] So, this goes better forward than the plantation in Virginia." (Act 3. sc. 1.)

† That is, into the management of the Company in London, in whom the supreme authority over the colony was at this time vested. It will be seen that free local

The episode of the marriage of a young Englishman with the daughter of an Indian king, though well known in England, is yet so interesting in itself, and so agreeably told by Mr. Bancroft, that we cannot deny ourselves the pleasure of repeating it. Pocahontas had formed an early attachment to the English: while she was yet a child, an Englishman of the name of Smith, the first explorer of the interior of the country, a brave, humane and accomplished man, had fallen with his small party into the hands of the savages: his companions were all murdered; but the fate of Smith, who had contrived to amuse the Indians by his talents, was reserved for the decision of Powhatan the father of Pocahontas.

"Powhatan was then residing in what is now Gloucester county, on York river, at a village to which Smith was conducted through the regions now so celebrated, where the youthful La Fayette hovered upon the skirts of Cornwallis, and the arms of France and the confederacy were united to achieve the crowning victory of American independence. The passion of vanity rules in forests as well as in cities; the grim warriors, as they met in council, displayed their gayest apparel before the Englishman, whose doom they had assembled to pronounce. The fears of the feeble aborigines were about to prevail; and his immediate death, already repeatedly threatened and repeatedly delayed, would have been inevitable, but for the timely intercession of Pocahontas, a girl of twelve years old, whose confiding fondness Smith had easily won, and who firmly clung to his neck, as his head was bowed down to receive the strokes of the tomahawks. Her fearlessness and her entreaties persuaded the council to spare the agreeable stranger, who could make hatchets for the father, and rattles and strings of beads for herself the favourite child. The barbarians, whose decision had long been held in suspense by the mysterious awe which Smith had inspired, now resolved to receive him as a friend, and to make him a partner of their councils."

Through the influence of Smith a friendly intercourse was established between the English and the tribes of Powhatan: but about four or five years after the incident which we have just related, a foraging party headed by one Argall, a man of bad character, of coarse passions and arbitrary temper, who had been left for a short time in the command of the colony, carried away the daughter of Powhatan, and now demanded of her father a ransom.

"The indignant chief prepared rather for hostilities. But John Rolfe,

institutions were not introduced until some years later: but these were the necessary result of the preponderance in the London Council, obtained by the great and good men of the "patriot party."

a young Englishman, winning the favour of Pocahontas, desired her in marriage; and with the favour of Sir Thomas Dale, and to the express delight of the savage chieftain, the nuptials were solemnized according to the rites of the English Church. Every historian of Virginia commemorates them with approbation; distinguished families trace their descent from this union*; the Indian wife, instructed in the English language, and bearing an English name, sailed with her husband for England, and was caressed at court and respectfully admired in the city. The immediate fruits of the marriage to the colony were a confirmed peace, not with Powhatan alone, but also with the powerful Chickahominies, who sought the friendship of the English, and demanded to be called Englishmen. It might have seemed that the European and the native races were about to become blended; yet no such result ensued. The history of Pocahontas is full of singular incidents: from her first intercession for Smith her regard for the English was uniform; as a wife and a mother her conduct was exemplary; her manners were those of wild simplicity and pure and ingenuous feeling. Yet strange as is her history, nothing is more singular than her marriage. The English and the Indian races remained disunited, and the weakest gradually became extinct."—Page 164.

At this time the patriot party of England had obtained the lead in the London Company. Sir Edwin Sandys was elected treasurer, and a man of greater judgement and firmness, or more resolved on redressing the abuses in the colony, could not have been selected for the office: hitherto few or no women had emigrated, but in one year Sandys provided a passage for twelve hundred persons, including women and children. Our author, quoting from some publications of that day †, thus describes the character of the emigration.

* Dr. Robertson informs us that Pocahontas left only one son, "from whom are sprung some of the most respectable families in Virginia, who boast of their descent from the race of the ancient rulers of their country." The most remarkable of her descendants was the senator John Randolph, so celebrated in America, and in Europe also, for the brilliant originality of his eloquence, the unrivalled power of his sarcasm and the eccentricity of his conduct. He was descended in the seventh degree from Pocahontas. At the age of twenty-six he was elected a member of Congress in opposition to Powhattan Bolling another descendant, curiously enough in exactly the same degree as himself from Pocahontas. On taking his seat his appearance was so youthful as to induce the speaker to inquire whether he had attained the constitutional age: "Ask my constituents," was his characteristic reply. His style was remarkable for its terseness and epigrammatic point: speaking of a statesman known to be as timid in his views as he was versatile in his political attachments, Mr. Randolph compared him to "*the Chameleon upon the Aspen*,"— "always trembling—always changing." Once, when urging the inefficacy of mere paper constitutions to preserve the spirit of popular liberty, he said, "the people go to sleep with their parchments under their pillows and awake in chains." He was for many years a member of Congress and was afterwards elected a member of the Senate. He filled high places in the Administration, and his power was at one time so great, as to excite, it is said, the jealousy of Jefferson and Madison.

† A note of the shipping, men and provisions sent to Virginia in 1619, pp. 1, 2. 3.—A speech of Sir E. Sandys.

"The people of Virginia had not been settled in their minds; and, as before the recent changes they had gone there with the design of ultimately returning to England, it was necessary to multiply attachments to the soil. Few women had as yet dared to cross the Atlantic; but now the promise of prosperity induced ninety agreeable persons, young and incorrupt, to listen to the wishes of the Company and the benevolent advice of Sandys, and to embark for the colony, where they were assured of a welcome. They were transported at the expense of the Corporation, and were married to the tenants of the company, or to men well able to support them, and who willingly defrayed the costs of their passage, which were rigorously demanded. The adventure succeeded so well, that it was designed to send the next year another consignment of one hundred; but before these could be collected, the Company found itself so poor, that its design could only be accomplished by a subscription. After some delays sixty were actually despatched, maids of virtuous education, young, handsome and well-recommended. The price rose from one hundred and twenty to one hundred and fifty pounds of tobacco*, or even more; so that all the original charges might be repaid. The debt for a wife was a debt of honour, and took precedence of any other; and the Company, in conferring employments, gave a preference to the married men. Domestic ties were formed; virtuous sentiments and habits of thrift ensued; the tide of emigration swelled; within three years fifty patents for land were granted, and three thousand five hundred persons found their way to Virginia."

The colony from this period continued to increase steadily in numbers, wealth and comfort, but above all in the enjoyment of the inestimable blessing of self-government. The political rights of the Virginians were established by a written constitution in the year 1621, the purpose of which was declared to be "the greatest comfort and benefit of the people, and the prevention of injustice, grievances and oppression."

"The terms of the ordinance," says Mr. Bancroft, "were few and simple; a governor, to be appointed by the Company; a permanent council likewise to be appointed by the company; a general assembly, to be convened yearly, and to consist of the members of council, and of two burgesses to be chosen from each of the several plantations by their respective inhabitants. The assembly might exercise full legislative authority, a negative voice being reserved to the governor; but no law or ordinance would be valid unless ratified by the company in England. With singular justice and a liberality without example, it was further ordained, that after the government of the colony shall have once been framed, no orders of the court in London shall bind the colony, unless they be in

* Tobacco was at that time the currency of Virginia.

like manner ratified by the general assembly. The courts of justice were required to conform to the laws and manner of trial used in the realms of England."

We had occasion to state in a former page (note, p. 326.) in what manner, according to Sir William Blackstone, "one "branch of the legislature" opposed itself, some two or three centuries ago, to the repeal of an "*intolerable mischief*:" we learn from the learned commentator on the laws of England by what body of men obstructions were thus offered to the mercantile prosperity and general well-being of the nation. One branch of the legislature refuses at the present day to recognise, in the case of Ireland, a principle which appears to have been adopted without cavil by the pure and high-minded Englishmen of the seventeenth century, and applied by them without reserve to the small and distant colony of Virginia;—franchises enjoyed by the Greeks under their Ottoman ruler;—a system which the Sovereign of Prussia has brought into universal action throughout his kingdom;—rights which, to a certain extent, even the leaden tyrant of Italy has not withheld from his Lombard and Venetian subjects;—an organisation to which Holland and Belgium are indebted for their liberties and their riches*;—*this* is the principle which one branch of the English legislature has insolently refused to admit into the government of towns in the sister-kingdom, and which the united legislature unwisely persists in withholding from the English counties.

" * * * The colonists, ceasing to depend as servants on a commercial company, now became freemen and citizens. The ordinance was the basis on which Virginia erected the superstructure of its liberties. Its influences were wide and enduring, and can be traced through all following years of the history of the colony. It constituted the plantation in its infancy, a nursery of freemen; and succeeding generations learned to cherish institutions, which were as old as the first period of the prosperity of their fathers. The privileges which were now conceded could never be wrested from the Virginians; and as new colonies arose at the south, their proprietaries could hope to win emigrants only by bestowing franchises as large as those enjoyed by their elder rival. The London company merits the fame of having acted as the successful friend of liberty in America. It may be doubted whether any public act during the reign of King James was of more permanent or pervading influence, and it re-

* See British and Foreign Review, No. viii, for an article on the contending principles of "Centralization" and "Localization."

fects glory on the Earl of Southampton *, Sir Edwin Sandys, and the patriot party in England, who, unable to establish guarantees of a liberal administration at home, were careful to connect popular freedom so intimately with the life, prosperity and state of society of Virginia, that they never could be separated."—Page 176.

A few years after the period of which we have been treating, James, becoming jealous of the unrestrained freedom of discussion which prevailed in the meetings of the London company, took measures for its suppression. In a mercantile point of view the company had not succeeded; the pecuniary interests of the shareholders were not therefore much opposed to the wishes of the monarch, and the company was dissolved without difficulty. Upon its suppression the supreme government of the colony was vested in a committee, to be chosen by the king; but James was fortunately content to use with moderation the authority which he had so arbitrarily assumed; he disappointed the bitter partisans of the court faction by continuing Sir Francis Wyatt in office as governor, though he had been a warm friend to the company and a zealous advocate of the liberties of Virginia. Nor did Sir Francis receive any increased powers with this renewal of his authority: far from being rendered absolute, he and his council were merely empowered to govern "as fully and amply as any governor and council resident there at any time within the space of *five years now last past*;" and it happened that these five years were exactly the period during which the Virginians had been enjoying their popular institutions. Mr. Bancroft thinks that these moderate measures were intended only to have a temporary operation, but that they became the permanent law of the colony in consequence of the death of the king. "The vanity of the monarch claimed the opportunity of establishing for the colony a code of fundamental laws; but death prevented the royal legislator from at-

* Henry Wriotheley, Earl of Southampton, the early friend of Shakspeare. Of the munificence of this patriotic nobleman a remarkable instance is related by Rowe in his *Life of Shakspeare*: that on one occasion he presented the poet with a thousand pounds, to enable him to complete a purchase which he desired to make. A thousand pounds *then* was more than equal to a gift of five thousand now. Shakspeare dedicated the "first heir of his invention," the poem of *Venus and Adonis*, to Lord Southampton, and addressed to him some of his most exquisite sonnets.

"tempting the task, which would have furnished his self-complacency so grateful an occupation."

From the accession of Charles I. in 1625, to the restoration of his son in the year 1660, the condition of Virginia was that of nearly uninterrupted prosperity; though during this period two massacres were attempted or perpetrated, and wars were carried on with the Indians to punish their treachery. After the execution of Charles I. the colony, ever attached to the Cavalier party, declared its adhesion to the cause of Charles II., then a fugitive at Breda: but the parliament asserted its supremacy, and the Virginians were forced to capitulate with the Commonwealth. Their free institutions continued, nevertheless, to be respected by the government in England, and the Protector appears to have acquiesced even in the right claimed by the representatives of the people to elect their own governor. When a dispute upon this point arose with old Samuel Mathews, a planter whom the representatives had themselves, in the exercise of the right which they were asserting, elected governor, the assembly refused to refer it for decision to Cromwell, but chose this moment to make a complete and solemn declaration of popular sovereignty: the governor was obliged to submit. The death of the Protector does not appear to have produced any change in their political condition; on the contrary the accession of Richard Cromwell was seized upon as a favourable occasion for obtaining from the governor a formal acknowledgement of the supremacy of the people, to the intent "that what was now their privilege might be the privilege of their posterity." "The frame of the Virginia government," our author remarks, "was deemed worthy of being transmitted to remote generations."

We know not of any speculation more interesting than to trace the gradual development of the principles of popular sovereignty and religious toleration under the influence of reason, unerring when allowed free action upon the minds even of a society whose prejudices were originally opposed to such views. We have seen what was the attachment of Virginia to the Stuarts and to the High-church party in England; the early annals of the colony are not free from the stains of bigotry and persecution,—the Quakers were expelled, and a

savage law was passed declaring it felony for any of those sent away to return ; Lord Baltimore was forced to return to England because he was a Catholic : but Virginia has the proud boast, nevertheless, of having been the first country in the world to assert the rights of mankind to self-control in matters of religious as of political government ; it was declared, by an act of the Virginian legislature passed in 1658, "that all "things respecting parishes and parishioners were referred to "their own ordering;" and as for the political condition of the colony at the Restoration, it cannot be better described than in the beautiful language of Mr. Bancroft.

"Virginia was the first State in the world composed of separate townships, diffused over an extensive surface, where the government was organized on the principle of universal suffrage. All freemen without exception were entitled to vote. An attempt was once made to limit the right to housekeepers ; but the public voice reprobated the restriction ; the very next year it was decided to be '*hard and unagreeable to reason that any person shall pay equal taxes and yet have no votes in elections*;' and the electoral franchise was restored to all freemen. Servants, when the time of their bondage was completed, at once became electors, and might be chosen burgesses*.

"Thus Virginia established upon her soil the supremacy of the popular branch, the freedom of trade, the independence of religious societies, the security from foreign taxation, and the universal elective franchise. If in following years she departed from either of these principles, and yielded a reluctant consent to change, it was from the influence of foreign authority. Virginia had herself established a nearly independent democracy : *prosperity advanced with freedom* ; dreams of new staples and infinite wealth were indulged, while the population of Virginia at the epoch of the Restoration may have been about thirty thousand. Many of the recent emigrants had been royalists in England, good officers in the war, men of education, of property and of condition. But the waters of the Atlantic divided them from the political strifes of Europe ; their industry was employed in making the best advantage of their plantations ; the interests and liberties of Virginia, the land which they adopted as their country, were dearer to them than the monarchical principles which they had espoused in England ; and therefore no bitterness could exist between the partizans of the Stuarts and the friends of republican liberty. Virginia had long been the home of its inhabitants. 'Among other blessings,' said their statute-book, 'God Almighty hath vouchsafed increase of children to this colony, who are now multiplied to a considerable number ;' and the huts in the wilderness were as full as the birds-nests in the woods."—Page 249.

* We here perceive that the Virginians never entertained the notion of a property qualification for their representatives.

The province of Maryland extends over a territory which, according to the terms of the second charter, belonged to the company in whom the government of Virginia was then vested. But Maryland was not colonized by Virginia, nor by persons subject to the authority of the London company. We have seen that James I. revoked the company's charter, and arbitrarily vested the government of Virginia in a commission appointed by himself. One of the consequences of that act was that the land north of the Potomac reverted to him, with the power of disposing of it as he pleased. The few Englishmen who had penetrated into that part of the country were attracted solely by commercial motives; led by the prospect of a lucrative trade in furs, they carried on a considerable traffic with the Indians, but do not appear to have thought of forming a plantation; the state of Maryland, as it now exists, may be said to have been called into being by an act of intolerance committed by the High-church settlers in Virginia against the generous and gallant Baltimore. Sir George Calvert (afterwards created Lord Baltimore), while a young man, had shared in the general enthusiasm in favour of American enterprise, and had subsequently embarked a considerable capital in the attempt to colonize the inhospitable shores of Newfoundland; for which object he had, when Secretary of State, obtained a special patent. But a variety of causes conspired to defeat the undertaking; the royal grants to him were found to clash in some degree with the freedom of the fisheries, upon which Parliament had always strenuously insisted; the soil and climate of the country proved much inferior to the flattering descriptions received from his agents, and the immediate vicinity of the French exposed his settlers to incessant attack from those unquiet neighbours. He therefore turned his thoughts to the more genial climate of Virginia, where some progress in colonization had been made, and the emigrants had no neighbours more troublesome than the feeble though vindictive aborigines. But Calvert had expended large sums of money upon the Newfoundland patent before he thought of relinquishing the project. "Twice," it is said, "did Lord Baltimore in person visit his settlement; with ships manned at his own charge he repelled the French who were hovering round the coast with the design of an-

"noying the English fishermen; and having taken sixty of them prisoners, he secured a temporary tranquillity to his countrymen and his colonists."

When he formed the resolution of attempting to settle in Virginia, he ought to have remembered that a careful exclusion of Roman catholics was, in the infancy of the plantation, an object especially proclaimed by the Virginian legislature. This would have taught him not to expect a very hospitable reception from the Assembly, and prepared him in some degree for the difficulties he was destined to encounter. Their first act on the arrival of Calvert was to tender the oaths of supremacy and allegiance, informing him that unless he was prepared to take these oaths he could not be permitted to remain in the colony. "It was in vain that he proposed a form which he was willing to subscribe; the Government firmly insisted upon that which had been chosen by the English statutes, and which was purposely framed in such language as 'no catholic could adopt.'" Perceiving, however, that the country north of the Potomac was unoccupied, save by a few scattered hordes of Indians, he returned in haste to England; where, making successful use of his personal favour at court, and of the high esteem in which his character was held by all parties in the state, he obtained a charter, from which results most important to the future interests of America, and to the cause of religious freedom throughout the world, have not ceased to flow. He died before the patent had passed the Great Seal; but though it was in fact issued for the benefit of his son, who succeeded him, the charter is known to have been penned by the first Lord Baltimore himself. It commences with a description of the territory included in the grant, then for the first time called "Maryland," in honour of Henrietta Maria, the queen of Charles I. The country is granted to Lord Baltimore as to its *absolute* proprietary; but the word absolute is used to mark the relations between the proprietary and the crown: in his relations with the colonists the most unwonted provision was made to secure to them and their posterity the enjoyment of enlarged political rights, and the absolute authority of the proprietary was most carefully, nay even jealously, limited by himself.

"These," says our historian, "were the features which endeared the

proprietary government to the people of Maryland ; and but for these the patent would have been as worthless as those of the London Company, of Warwick, of Gorges, or of Mason. It is a singular fact that the only proprietary charters, productive of considerable emolument to their owners, were those which conceded popular liberty. Sir George Calvert was a Roman catholic ; yet, far from guarding his territory against any but those of his persuasion, as he had taken from himself and his successors all arbitrary power, by establishing the legislative franchises of the people, so he took from them the means of being intolerant in religion, by securing to all present and future liege people of the English king, without distinction of sect or party, free leave to transport themselves and their families to Maryland : Christianity was by the charter made the law of the land, but no preference was given to any sect ; and equality in religious rights, not less than in civil freedom, was assured."

Lord Baltimore took care that his new colony should be effectually separated from its high-church intolerant neighbour ; he secured its perfect independence of the throne in England ; he was not required " to obtain the royal assent to the appointments or legislation of his province, nor even to make a communication of the results ;" the plantation was completely exempted from English taxation.

" Some other rights were conferred on the proprietary ; the advowson of churches, the power of creating manors and courts-baron, and of establishing a colonial aristocracy on the system of sub-infeudation *. But these things were practically of little moment. Even in Europe feudal institutions appeared like the decrepitude of age amidst the vigour and enterprize of a new and more peaceful civilization ; they could not be perpetuated in the lands of their origin ; far less could they renew their youth in America. * * * The seeds of popular liberty contained in the charter would find in the New World the very soil best suited to quicken them into life and fruitfulness."

" Calvert deserves to be ranked among the wisest and most benevolent lawgivers of all ages. *He was the first in the history of the Christian world to seek for religious security and peace by the practice of justice,* and not by the exercise of power ; to plan the establishment of popular institutions with the enjoyment of liberty of conscience ; to advance the career of civilization by recognising the rightful equality of all Christian sects. The asylum of papists was the spot where, in a remote corner of the world, on the banks of rivers which as yet had hardly been explored, the mild forbearance of a proprietary adopted religious freedom as the basis of the state."

Thus in the beginning of its history, on the threshold (if

* See a quotation from M. de Tocqueville in a former page.

we may so speak) of this catholic settlement, we are struck with a rare and beautiful example of liberality in politics and religion. The same spirit continued to influence the government in Maryland; and it is our pleasing duty to commemorate a series of acts of the most enlightened legislation down to the end of the period of which the present volume treats; and subject only to one temporary interruption, during the Commonwealth, when the puritans, having overpowered Baltimore's party, attempted by the enactment of penal laws to deprive the catholics of their franchises. One of the great advantages gained by the circulation of books like Mr. Bancroft's history is the diffusion of a tolerant spirit in matters of belief. All nations have a deep interest in the substitution of a pure sentiment of religion, the fruits of which are charity and peace, for the wicked pretence which exhibits its piety in loud and incessant profession, but yields only the bitter fruits of intolerance, persecution, debasement and crime. The bigots of all sects have produced, and are still producing, much misery to mankind; and we do not hesitate to avow our conviction, that no nation can hope to prosper where a considerable party are so imperfectly educated as to believe that they are serving God by denying to their countrymen the rights of conscience. It is, we fear, the union of religion with the temporal authority that is the root of the evil. The volume now before us shows how the puritan, who had himself suffered for conscience' sake, was scarcely less guilty of persecution when he obtained power, than the churchman whose haughty intolerance taught him to scorn all creeds but his own. The mild spirit of Christianity has never benefited by this connection; but we find, on the contrary, that sects which, in their alliance with temporal greatness, had departed most widely from the precepts and practice of true religion, were the first, under different circumstances, to carry the free spirit of the Gospel, the democracy of the New Testament, into full and beneficial operation. In the case now before us we see that catholics—as catholics—are not intolerant; nor would it be difficult to prove, that more enlightened lawgivers, braver soldiers, bolder patriots or better citizens are nowhere to be found than among the catholics of these as well as of the other kingdoms of Europe.

When Lord Baltimore* arrived with his followers upon the spot where soon afterwards he laid the foundation of the village of St. Mary's, he observed that the Indians by whom the land had been occupied were engaged in a voluntary migration to the interior of the country, and this we imagine was one of his inducements for selecting that place for the site of his plantation. The Indians had suffered severely from the vicinity of the warlike tribe of the Susquehannahs; and it was easy therefore for the strangers, "by presents of cloth and axes, of hoes and knives, to gain the good-will of the natives, and to purchase their rights to the soil which they were preparing to abandon. They readily gave consent that the English should immediately occupy one half of their town, and after the harvest should become the exclusive tenants of the whole. Mutual promises of friendship and peace were made; so that upon the 27th day of March the catholics took quiet possession of the little place; and religious liberty obtained a home, its only home in the wide world, at the humble village which bore the name of St. Mary's." Here we perceive that, in their very first act, the policy of the emigrants was in strict conformity with the dictates of kindness and morality; they acknowledged the rights of the natives, and successfully cultivated a friendly intercourse with them. "The Indian women taught the wives of the newcomers to make bread of maize; the warriors of the tribe instructed the huntsmen how rich were the forests of America in game, and joined them in the chase." The foundations of the colony being thus happily and virtuously laid, we find no reason to suppose that the settlers had to encounter any severe privations; they were provided at first with a sufficiency of food and cattle from Virginia, and the success of their own industry soon made them independent of foreign supply. The generosity of Baltimore in pecuniary matters may be appreciated by the fact, that in the two first years of the colony he expended upwards of forty thousand pounds, (an enormous sum in those days,) for the comfort and protection of his colonists. The form of oath which he prescribed for

* The second lord, the heir of his father's genius and virtues, no less than of his large estates and generous projects.

all future governors, and which he was himself the first to swear, furnishes noble evidence of his liberality in matters of state policy: "I will not, by myself or any other, directly or indirectly, trouble, molest or discountenance any person professing to believe in Jesus Christ, for or in respect of religion." "Such," observes Mr. Bancroft, "were the beautiful auspices under which the province of Maryland started into being; its prosperity and its peace seemed assured, the interests of its people and its proprietary were united, and for some years its internal peace and harmony were undisturbed. Its history is the history of benevolence, gratitude and toleration: no domestic factions disturbed its harmony. * * * Dangers could only grow out of external causes, and were eventually the sad consequences of the revolution in England."

The colony was convened for legislation before twelve months had elapsed. We regret that the laws of the first session are no longer extant, as we are therefore unable to gain a correct idea of the form of popular legislation adopted in this infant state. Mr. Bancroft conjectures that "probably all the freemen of the province were present in a strictly popular assembly;" and, in the absence of positive information upon the point, that is perhaps the conjecture one would feel most inclined to adopt. In a very few years after this we find the people of Maryland occupied with a zealous assertion of their liberties, and engaged in a sort of "collision" with their proprietary upon an unsettled point of constitutional law. The question was, whether the proprietary possessed the right of originating laws; and the people of Maryland rejected a code prepared for them by Lord Baltimore, in which he claimed this prerogative, and, "asserting their equal rights of legislation, they in their turn enacted a body of laws, which they proposed for the assent of the proprietary:—so uniformly active in America was the spirit of popular liberty."

"In the early history of the United States nothing is more remarkable than the uniform attachment of each colony to its franchises; and popular assemblies burst everywhere into life with a consciousness of their importance, and an immediate capacity for efficient legislation. The first

assembly of Maryland had vindicated the jurisdiction of the colony * ; the second had asserted its claims to original legislation ; the third, which was now convened, examined its obligations, and, though not all its acts were carried through the forms essential to their validity, it yet displayed the spirit of the people and the times by framing a declaration of rights. Acknowledging the duty of allegiance to the English monarch, and securing to Lord Baltimore his prerogatives, it likewise confirmed to the inhabitants of Maryland all the liberties which an Englishman can enjoy at home, established a system of representative government, and asserted for the general assemblies in the province all such powers as may be exercised by the Commons of England. Indeed throughout the whole colonial legislation of Maryland, the body representing the people, in its support of the interests and civil liberties of the province, was never guilty of timidity or treachery."—Page 270.

Of the two next public acts to which we shall have to advert, the first is an honourable example of the gratitude with which the people of Maryland acknowledged their obligations to Lord Baltimore, and the second a remarkable instance of the magnanimity with which he carried out his ruling principle of toleration. In recognition of the noble and disinterested proprietary's "great charge and solicitude in maintaining the government, and protecting them in their persons, rights and liberties," and naturally therefore "out of desire to return some testimony of gratitude," they came forward, freely and voluntarily, to offer "such a subsidy as the young and poor estates of the colony could bear."

"Maryland," our author continues, "at that day, was unsurpassed for happiness and liberty. Conscience was without restraint ; a mild and liberal proprietary conceded every measure which the welfare of the colony required ; domestic union, a happy concert between all the branches of the government, an increasing emigration, a productive commerce, a fertile soil, which Heaven had richly favoured with rivers and deep bays, united to perfect the scene of colonial felicity and contentment. Ever intent on advancing the interests of his colony, Lord Baltimore invited the puritans of Massachusetts to emigrate to Maryland, offering them lands and privileges, and 'free liberty of religion' ; but Gibbons, to whom he had forwarded a commission, was 'so wholly tutored in the New-England discipline,' that he would not advance the wishes of the Irish peer ; and the people who subsequently refused Jamaica and Ireland† were not now tempted to desert the bay of Massachusetts for the Chesapeake."—Page 272.

* Against Claybourne, who claimed as representing the interests of Virginia, and the revoked charter of the London Company.

† Both Jamaica and Ireland were offered by Cromwell, after having been reduced by his arms, to the puritans of New-England.

So long as the catholic party remained in power, every public act of the colony (with only one unhappy exception, which we shall presently notice,) was conceived and executed in the same fine spirit of universal philanthropy. Among others one statute in particular was passed, a portion of which is deserving of all praise for the simple and explicit declaration by which it proclaims the inviolability of the rights of conscience. "And whereas the enforcing of the conscience in matters of religion hath frequently fallen out to be of dangerous consequence in those commonwealths where it has been practised, and for the more quiet and peaceable government of this province, and the better to preserve mutual love and amity among the inhabitants, no person within this province, professing to believe in Jesus Christ, shall be any ways troubled, molested or discountenanced for his or her religion, or in the free exercise thereof." It is with the greatest pain however that we are compelled to add, that the statute of which these words are the noble preamble is disgraced by a clause partaking largely of the savage spirit of persecution, so common in those days through all the other countries of the earth, but of which this is the only instance in the legislation of Maryland. The clause to which we advert provides exceptions to the general rule of toleration, and enacts the horrible penalty of death against all who deny the divinity of Christ or the doctrine of the Trinity. It is some satisfaction to reflect that this brutal enactment was never in any single instance carried into effect, nor was the least attempt directly or indirectly ever made under it to persecute the Quakers or any other sectarians whatsoever: but there it stands, the sole disgrace of the Maryland statute-book; and the impartial historian must regard it with the greater disgust, as being the only blot upon her exemplary career of legislation*. Except this all is bright and beautiful, an uninterrupted course of internal concord and religious peace. Oc-

* We are far from wishing to palliate the atrocity of this enactment; and even if such were our desire, we should not commit the absurdity of supposing that the bad act of one nation can be excused by referring to worse acts perpetrated in other countries. But it is manifest, on the one hand, that the clause in question is entirely foreign to the general spirit of legislation in Maryland; while, on the other, an idea of the general spirit of the times may be gathered from the scenes that took place in England during the reign of James I., less than thirty years

cupying, as Maryland does, the intermediate space between Virginia on the south and the states of New-England on the north, it is a most remarkable fact that her catholic territory served as a refuge alike for the puritans expelled from Virginia, and for the prelatists driven by persecution from Massachusetts.

But while England was the scene of revolutionary contest, it is not to be supposed that the colonies could have remained unaffected by the changes that were taking place in the mother-country; and accordingly we find that the harmony and prosperity of Maryland were grievously interrupted by the claims of a disputed sovereignty. There were no less than four different pretenders to the sovereignty of Maryland in the field: Virginia had not ceased to urge her rights to jurisdiction north of the Potomac; the exiled king, displeased with Lord Baltimore for his toleration of schismatics, had issued from his mimic court at Breda a commission to Sir William Davenant; Baltimore had left a deputy to protect his interests, and the Parliament of England had appointed their commissioners. The authority of Cromwell was at length established; and the puritans forgetting, as they have sometimes done, the broad principle of toleration upon which their own claims to freedom of conscience must necessarily be founded,

before the period of which we are treating. The following passage is taken from Neale's History of the Puritans, vol. ii. pp. 84, 85:

"His Majesty had a further opportunity of discovering his zeal against heresy this year (1612) upon two of his own subjects. One was Bartholomew Legate, an Arian; he was a comely person, of a black complexion, and about forty years of age, of a fluent tongue, excellently well versed in the Scriptures, and of an unblameable conversation. King James himself, and some of his bishops, in vain conferred with him, in hope of convincing him of his errors. Having lain a considerable time in Newgate, he was at length convened before Bishop King in his consistory at St. Paul's, who, with some other divines and lawyers there assembled, declared him a contumacious and obdurate heretic, and certified the same into chancery by a *Significavit*, delivering him over to the secular power; whereupon the king signed a writ *De heretico comburendo* to the sheriffs of London, who brought him to Smithfield, March 18, and in the midst of a vast concourse of people burned him to death. A pardon was offered him at the stake if he would recant, but he refused it.

"Next month Edward Wightman, of Burton-upon-Trent, was convicted of heresy by Dr. Neile, bishop of Coventry and Litchfield, and was burned at Smithfield, April 11. He was charged in the warrant with the heresies of Arius, Cerinthus, Manicheus and the Anabaptists.—There was another condemned to the fire for the same heresies, but the constancy of the above-mentioned sufferers moving pity in the spectators, it was thought better to suffer him to linger out a miserable life in Newgate, than to awaken too far the compassion of the people."

The form of the writ for burning Legate is given in a note by Neale, History of the Puritans, vol. ii. p. 85.

proceeded to an act of gross intolerance by the wanton disfranchisement of the whole catholic party. But Cromwell, "remote from the scene of strife, was not betrayed by his religious prejudices into an approbation of the ungrateful decree. He commanded the commissioners 'not to busy themselves about religion, but to settle the civil government.'" From this period, up to the restoration, the government of the colony appears to have been carried on by means of a sort of compromise between Lord Baltimore, who had never abandoned his claims, and the parliamentary commissioners, who were never fully established in authority. The difficulties of the settlement were greatly increased at the death of the Protector.

"What should now be done? England was in a less settled state than ever. Would the son of Cromwell permanently hold the place of his father? Would Charles II. be restored? Did new revolutions await the colony,—new strifes with Virginia, the Protector, the proprietary and the king? Wearied with long convulsions, a general assembly saw no security but in asserting the power of the people, and constituting the government on the expression of their will. Accordingly, just one day before that memorable session of Virginia, when the people of the ancient dominion adopted a similar system of independent legislation, the representatives of Maryland, convened in the house of Robert Slye, voted themselves a lawful assembly, without dependence on any other power in the province." • • •

"Thus was Maryland, like Virginia, at the epoch of the restoration in full possession of liberty, based upon the practical assertion of the sovereignty of the people. Like Virginia it had so nearly completed its institutions, that till the epoch of its final separation from England it hardly made any further advances towards freedom and independence."—Page 285.

Enough, we think, has now been done to justify the opinion with which we set out, that Mr. Bancroft's work is pregnant with historical lessons closely applicable to our own party struggles; but the most important portion of our task still remains to be performed, and we hasten to the story of the pilgrims and to the fine episode of Roger Williams—the apostle of perfect religious equality, the victim and nearly the martyr of a virtuous and logical adherence to the principle of toleration *in all its consequences*. But before we approach this part of our subject we have yet a few words to say, and a few additional authorities to cite in support of the conclusions which the unprejudiced reader cannot fail to draw from our author's chapter on Maryland. It is important that the people

of England should examine, and by a comparison with authentic facts should judge of, those statements on the faith of which a bigotted faction seeks to exclude our Irish brethren from the blessings of self-government.

It is remarked by M. de Tocqueville that, while he found the Roman catholics exceedingly strict in their religious observances, they were at the same time the most active and zealous partizans of American democracy. This effect cannot be attributed to any influence exercised by the priesthood, acting (as their calumniators are prone to say) in furtherance of some dark and malignant policy of the court of Rome. The clergy of all persuasions are excluded by law in most of the states, and by established custom in the others, from interference in public matters*: we must look then to some other causes for the result. It is now rather more than fifty years since the tide of Irish emigration began to flow into the United States, and it appears also that the catholic church has greatly increased in America through the exertions of its pastors. To these two causes M. de Tocqueville attributes the fact that the number of catholics in America is now calculated to exceed a million.

"I think," observes M. de Tocqueville, "that the catholic religion has erroneously been looked upon as the natural enemy of democracy. Amongst the various sects of Christians, catholicism seems to me, on the contrary, to be one of those which are most favourable to the equality of conditions. In the catholic church the religious community is composed of only two elements, the priest and the people. The priest alone rises above the rank of his flock, and all below him are equal.

"On doctrinal points the catholic faith places all human capacities upon the same level; it subjects the wise and the ignorant, the man of genius and the vulgar crowd, to the details of the same creed; it imposes the same observances upon the rich and needy, it inflicts the same austerities upon the strong and the weak, it listens to no compromise with mortal man; but reducing all the human race to the same standard, it confounds all the distinctions of society at the foot of the same altar, even as they are confounded in the sight of God.

"It has not unfrequently occurred that the catholic priest has left the service of the altar to mix with the governing powers of society, and to take his place amongst the civil gradations of men. This religious influence has sometimes been used to secure the interests of that political state of things to which he belonged: at other times catholics have taken the side of aristocracy from a spirit of religion.

* Unless their employment as teachers in schools may be so designated.

"But no sooner is the priesthood entirely separated from the government, as is the case in the United States, than it is found that no class of men are more naturally disposed than the catholics to transfuse the doctrine of equality of conditions into the political world."

Alluding to the tendency of the catholic citizens of America towards the opinions of extreme republicanism, M. de Tocqueville tells us that their clergy have not attempted, even by that influence which they might legitimately exercise, to repress these inclinations, but on the contrary have rather encouraged them.

"The catholic clergy of the United States has never attempted to oppose this political tendency, but it seeks rather to justify its results. The priests in America have divided the intellectual world into two parts: in the one they place the doctrines of revealed religion, which command their assent; in the other they leave those truths which they believe to have been freely left open to the researches of political inquiry. Thus the catholics of the United States are at the same time the most faithful believers and the most zealous citizens."

We are informed also by the same elegant and profound writer that, having observed in most parts of Europe that the spirit of liberty and of religion appeared to march in opposite directions, he became anxious to ascertain the reasons why he found them so strictly united in America. To obtain this information he applied to men of all religious denominations, both clergy and laity; and as his own religion brought him more frequently in contact with the catholic clergy, he appears to have particularly addressed his inquiries to them; but he declares that among all those persons—differing so widely in other respects from each other—there was no difference whatever in the answers he received; "and that they mainly attributed the peaceful dominion of religion in their country to the separation of church and state. I do not hesitate to affirm that, during my stay in America, I did not meet with a single individual, of the clergy or of the laity, who was not of the same opinion upon this point."

In catholic France there will not, we believe, be found an instance of any attempt under the empire or the restoration or since the revolution of July, to persecute on account of religion. Since the re-establishment of the different forms of worship in 1802, a state provision has been made for the clergy of all persuasions; and it is notorious that the allowance to the

protestant pastor is greater than that to the catholic priest, and on the express grounds that the protestant, having a family to provide for, requires a larger income. The separation of Belgium from Holland was the work of the catholic party, and our countrymen who spend a portion of their summer in the Netherlands witness the results of the separation in the increasing prosperity and uninterrupted happiness of that little kingdom*: they also see the basis on which the catholic government of Belgium seeks to perpetuate those blessings,—the basis of morality and toleration, inculcated by the public instruction of her rising universities. In Italy it has been the cruel policy of the Austrian government to endeavour to fix upon the imprisoned patriots the charge of irreligion, but nothing can be more false; the pathetic story of his sufferings published by Pellico since his liberation breathes in every page a spirit of the most liberal and exalted Christianity. The last publication of the celebrated Manzoni is a treatise in answer to the strictures of Sismondi, the historian of the Italian republics, upon the moral and political tendencies of catholicism. The little book "*Sulla Morale Cattolica*" is chiefly of a theological character; but the pious, learned and eloquent author does not fail to point out to his enslaved countrymen that the regeneration of Italy is an aspiration in perfect accordance with the precepts of the catholic church. We shall conclude this portion of our subject with a spirited passage, in which Manzoni claims for his countrymen the praise due to a nation that has never, in any period of her history, been addicted to religious persecution.

" Ah! fra gli orribili rancori che hanno diviso l'Italiano dall' Italiano, questo almeno non si conosce; le passioni che ci hanno resi nemici ~~non~~ *hanno almeno potuto nascondersi dietro il velo del santuario*. Pur troppo noi troviamo ad ogni passo dei nostri annali le inimicizie trasmesse da una generazione all' altra per miserabili interessi, e la vendetta anteposta alla

* By the constitution of Belgium the clergy are allowed to become members of the chamber of representatives; but, with all the undoubted influence of the priesthood over the catholic population, we find that they are satisfied with sending three or four abbés to parliament, who have ever been found voting on the side of civil liberty and religious equality. They supported the election of the protestant king, and voted a yearly stipend to protestant pastors in the towns of Brussels, Antwerp, Ostend, and Spa.

Perfect freedom of conscience, together with protection for the exercise of sectarian worship, are guaranteed by the 14th, 15th, and 16th articles of the Belgian

sicurezza propria ; vi troviamo ad ogni passo due parti di una nazione disputarsi accanitamente un dominio e dei vantaggi, i quali, per un grande esempio, non sono rimasti nè all' una nè all' altra ; vi troviamo la feroce ostinazione di volere a schiavi pericolosi quelli che potevano essere amici ardenti e fedeli ; vi troviamo una serie spaventosa di giornate deplorabili, ma nessuna almeno simile a quelle di Cappel* e di Jarnac† e di Praga‡. Pur troppo da questa terra infelice sorgerà un giorno gran sangue in giudizio, *ma del versato col pretesto della religione assai poco*. Poco dico in confronto di quello che lordò le altre parti d' Europa ; i furori e le sventure delle altre nazioni ci danno questo tristo vantaggio di chiamar poco quel sangue : *ma il sangue d'un uomo solo sparso per mano del suo fratello è troppo per tutti i secoli e per tutta la terra.*"

A short account of the origin and progress of Puritanism is the appropriate introduction to the history of the States of New England. In the countries where the Reformation had successfully asserted the right of private judgement, the growth of numerous independent sects was the obvious consequence of the establishment of that principle. Men had not shaken off one yoke in order to submit tamely to the imposition of another, and the Church of England as settled in the reign of Elizabeth had to contend with many opponents, each differing as much from the other as from the religion established by law. Measures of extreme severity were unceasingly employed to enforce conformity ; and, though honourable exceptions are to be found among the statesmen of Elizabeth's court, it is but too notorious that intolerance of the worst description was at that day the ruling principle of the English government. When Grindall (afterwards Archbishop Grindall) was accused of moderation, he defended himself as if he thought a reputation for zealous intolerance essential to his good name. It is believed that he was, in fact, naturally averse to persecution, and the tenor of his subsequent life corroborates that opinion ; but he thought it necessary, nevertheless, to repel the charge of moderation as a libel on his character, declaring that " some incarnate never-sleeping devil had wrought him this wrong." While Whitgift was archbishop the court of High Commission was established for the detection and punishment of nonconformity, with powers as arbitrary and mysterious as those of the Inquisition. The prudent Burleigh

* 31 Ottobre, 1531.

† 16 Marzo, 1569.

‡ 8 Novembre, 1620.

remonstrated in vain against this shocking tribunal*, alleging that "the Inquisition of Spain used not so many questions "to entrap their prey;" but the Queen and the Archbishop persisted in upholding the court, and two men were sentenced by it and hanged for distributing Brown's tract "On the "Liberty of Propheying." The puritans were rather excited to defiance than intimidated by such cruelties; the spirit of brave and conscientious men is not easily broken, and so far was dissent from being suppressed by the horrible means resorted to for its extermination, that we find the number of the non-conformists at the close of the seventeenth century estimated as amounting to twenty thousand. "It was proposed "to banish them, as the Moors had been banished from Spain, "and as the Huguenots were afterwards driven from France. "This measure was not adopted; but a law of savage ferocity, "ordering those who for a month should be absent from the "English service to be interrogated as to their belief, menaced "the obstinate non-conformists with exile or with death." Many persons fled from the severity of this enactment to Holland, and a religious society was founded at Amsterdam which served as a rallying point for future exiles. Of those who remained in England two were executed as an example to the rest; "through the influence of Whitgift, Henry Barrow

* This court, together with that of the Star Chamber, was abolished by an act of the Long Parliament in the year 1641. Charles had used it to assist his plans for governing without a parliament, and enormous fines imposed by it were collected for the supply of his exchequer. Clarendon justifies the creation of this tribunal by Elizabeth, on the ground that it was "instead of a larger power which had been "exercised under the Pope's authority then abolished:" and he tells us that while it was exercised *with moderation*, it "was an excellent means to vindicate and pre- "serve the dignity and peace of the church." The high church tory could not see anything contrary to moderation in hanging men for distributing a tract; but in Charles's time the *lawyer* lost all feeling of respect for the court of high commission, and rejoiced in its destruction when he found it opposed to the interest of his profession. "But of late," he continues, "it cannot be denied that, *by the great power of some "bishops at court*, it had much overflowed the banks which should have contained "it; not only in meddling with things that in truth were not properly within its "connuance, but extending their sentences and judgements in matters triable "before them beyond that degree that was justifiable; and grew to have so great "a contempt of the common law and the professors of it, (*which was a fatal un- "falseness in the bishops*, who could never have suffered whilst the common law had "been preserved,) that prohibitions from the supreme courts of law, which have "and must have the superintendency over all inferior courts, were not only neg- "lected, but the judges reprehended for granting them, (which without perjury "they could not deny,) and the lawyers discountenanced for moving for them " (which they were obliged in duty to do); so that thereby the clergy made a "whole profession, if not their enemies, yet very undevoted to them."

"a gentlemen, and John Greenwood a minister, though true-hearted and loyal as well as pious, were selected as examples and hanged at Tyburn."

Hopes were entertained that the accession of James would be the commencement of a milder system, and for these the nature of his education under Buchanan seemed to afford some foundation. But speedy disappointment awaited those who confided in the character of a sovereign who was at once false, bigoted, pedantic and arbitrary in his ideas, coarse in manners, and in his conduct addicted to the most detestable vices. In his reign, as in that of his predecessor, the great names are not wanting of statesmen whose liberal philosophy maintained the principle of toleration.

"Lord Bacon, in whose vigorous mind the truths of political wisdom had been sown by Burleigh in deep furrows, cherished the established worship, and yet advised concessions, regarding the church as the eye of England, in which there might yet be a blemish. The divisions in religion seemed to him a less evil than the violent measures of prevention. The wound, said he, is not dangerous unless we poison it with our remedies. The wrongs of the puritans may hardly be dissembled or excused. The silencing of ministers, for the sake of enforcing the ceremonies, is, in this scarcity of good preachers, a punishment that lighteth upon the people: the bishops should keep one eye open to look upon the good that these men do. On subjects of religion, he says of himself, that he was always for moderate counsels. Nor did he fear injury; for he esteemed controversy 'the wind by which truth is winnowed.'"—Page 318.

The king was determined to take an early opportunity to undeceive those who were disposed to place reliance on his liberality. For that purpose he appointed the famous conference at Hampton Court, in which he abruptly stopped the delegates as they were reading the petition, saying, "*You are aiming at a Scots' presbytery*, which agrees with monarchy as well as God and the devil; then Jack and Tom and Will and Dick shall meet, and at their pleasures censure me and my council and all our proceedings. Then Will shall stand up and say, It must be thus; and Dick shall reply and say, Nay, marry, but we will have it thus; and therefore here I must once more reiterate my former speech, and say, *Le roi s'avisera*; the king alone shall decide." Then turning to the bishops, he avowed his belief that the hierarchy was the firmest support of the throne. "Of the puritans," he added,

"I will make them conform, or I will harry them out of the land, or else worse, only hang them, that's all." An old writer* of that day seems to have embodied the spirit that actuated both church and court in the quaint expression of his own feelings towards dissenters; "If I hate any, 'tis those schismatics that puzzle the sweet peace of our church, so that I could be content to see an anabaptist go to hell on a Brownist's back."

The spirit of persecution continued to display itself in proclamations and anathemas, in proscription and imprisonment. In one year (1604) we are told that no less than three hundred puritan ministers were silenced, imprisoned or exiled; but the oppressed party was neither intimidated nor diminished, neither (as will appear) did the clergy of the Establishment relax in their hatred of the national liberties.

"The importation of foreign books was impeded; and a severe censorship of the press was exercised by the bishops. Frivolous acts were denounced as ecclesiastical offences. At a later convocation they proceeded to draw up a series of canons, denying every doctrine of popular rights, asserting the superiority of the king to the parliament and the laws, and admitting, in their zeal for absolute monarchy, no exception to the duty of passive obedience. Thus the opponents of the church became the sole guardians of popular rights; the lines of the contending parties were distinctly drawn; the established church and the monarch, on the one side, were arrayed against the puritan clergy and the people."—Page 323.

The men who afterwards became the *pilgrims* of our history were, in the reign of Elizabeth, a congregation of separatists in the North of England. Harassed by the bitterest persecution they resolved to seek a refuge in exile, and Holland was the country selected for their asylum. Their departure was not effected without considerable difficulty and risk; the whole company was arrested on their first attempt, but discharged, with the exception of seven of their principal men, after one month's imprisonment.

"The next spring the design was renewed. An unfrequented heath in Lincolnshire was the place of secret meeting. As if it had been a crime to escape from persecution, the embarkation was to be made under the shelter of darkness. After having encountered a night storm, just as a boat was bearing a part of the emigrants to their ship, a company of horsemen appeared in pursuit, and seized on the helpless women and children,

* Howell, the writer of the "*Epistolæ Hæ-Elianae*."

who had not yet adventured on the surf. 'Pitiful it was to see the heavy case of these poor women in distress; what weeping and crying on every side.' But when they were apprehended, it seemed impossible to punish and imprison wives and children for no other crime than that they would go with their husbands and fathers. They could not be sent home, for 'they had no homes to go to;' so that, at last, the magistrates were 'glad to be rid of them on any terms; though, in the mean time, they, poor souls, endured misery enough.' Such was the flight of Robinson and Brewster, and their followers, from the land of their fathers."—Page 336.

From Amsterdam the pilgrims soon removed to Leyden, where they continued to live in tranquillity for about eleven years. But they were not content with their position in Holland, and seem to have been urged by a constant desire to change their condition. This restless feeling may possibly have arisen from a secret consciousness of ability to fulfil more important destinies. Many circumstances combined to direct the thoughts of the pilgrims to the New World. Wonderful stories of the early voyages were the most common topic of the day. The present occupations of the exiles were irksome to them; in England their habits had been those of husbandry, in Holland they were compelled to work for their subsistence at mechanical trades. They could not familiarize themselves with the language or the manners of the Dutch; and the great numbers of disbanded soldiers and mariners at that time wandering about the country alarmed them for the morals of their children. The climate was unfavourable to their health; and added to all these considerations, it may naturally be supposed that they were influenced by the prospect of improving their condition, and excited by the honourable ambition of becoming the founders of a state.

Tedious negotiations, in the course of which they encountered much difficulty, and which eventually led to nothing, were now entered upon in various quarters,—with the English Government, with the Virginian Company, and with certain merchants of London. To the latter they proposed to mortgage the labour of the intended colony for seven years as security for the advance of the funds required for the emigration. The terms of the bargain were deemed exceedingly severe; but it did not interfere with civil rights, nor with the "soul-liberty" which they prized above all earthly goods, and they did not shrink from the engagement. At length they

began to make ready for their departure ; and having held a solemn fast, and prayed that God would show them " a right way for us, and for our little ones, and for all our substance," they set out from Leyden to Delft-Haven. " The pilgrims were accompanied by most of the brethren from Leyden to Delft-Haven, where the night was passed ' in friendly and Christian converse.' As the morning dawned, Robinson, kneeling in prayer by the seaside, gave to their embarkation the sanctity of a religious rite." They proceeded from Delft to Southampton ; and in about a fortnight the *May-flower* and the *Speedwell*, freighted with the first colony for New England, set sail for America. The emigrants amounted to about one hundred and fifty persons, including women and children. Their object was to form a settlement on the banks of the Hudson ; but after having encountered all the disasters of the ocean, aggravated by the treachery and cowardice of their captain, which compelled them to return and leave one of their vessels in England, the passengers in the *May-flower* were compelled to land on the bleak shores of New England. They arrived about the middle of November, and the approach of the severe winter of North America taught them that they must lose no time in selecting the site of their future plantation. Their shallop required repair, and seventeen days were expended in putting it in order. At length, on the 6th of December, a small party set out on an exploring voyage : " The cold was severe, the spray of the sea froze as it fell upon them, and made their clothes like coats of iron." An attack, which they succeeded, however, in repelling, was made upon them by a tribe of Indians. They were nearly lost in a storm, and their rudder, mast and sails were carried away. Compelled to trust to Providence for their protection, they were floated in the midst of darkness and rain, and the fury of the winds, into a sound, where, disregarding the danger of an attack from the natives, they lighted fires and resolved to pass the night.

" Morning, as it dawned, showed the place to be a small island within the entrance of a harbour. The day was required for rest and preparations. Time was precious ; the season advancing ; their companions were left in suspense. The next day was the ' Christian Sabbath.' Nothing marks the character of the Pilgrims more fully than that they kept it sacredly, though every consideration demanded haste."—Page 337.

On Monday, the eleventh day of December, the exploring party of the fathers landed upon a rock at the spot where the town of Plymouth now stands. That rock is pointed out with pride to the traveller by the descendants of the Puritans, and fragments of it are piously preserved in the cabinets of American citizens.

"This rock," M. de Tocqueville beautifully observes, "is become an object of veneration in the United States. I have seen bits of it carefully preserved in several towns of the Union. Does not this sufficiently show that all human power and greatness is in the soul of man? Here is a stone which the feet of a few outcasts pressed for an instant, and this stone becomes famous; it is treasured by a great nation, its very dust is shared as a relic: and what is become of the gateways of a thousand palaces?"

We must refer to the work itself for the account of the fearful perils and privations through which the first settlers were doomed to pass, as also for the narrative of the general progress of colonization in the states of New England*; all the new colonies were exposed, in nearly an equal degree, to trials and sufferings, for which they were rewarded by the establishment of religious freedom, and of that which Mr. Bancroft terms the "epidemic of the country," democracy in their political institutions. Population increased but slowly at first; in Massachusetts the number of inhabitants did not exceed three hundred in the ten years after the arrival of the pilgrims. But purity of religion and civil liberty were the objects nearest to the hearts of the emigrants, and the growth of free institutions was instantaneously rapid. Massachusetts, originally a trading corporation, had become a complete representative democracy, exactly fifteen years after the same change had taken place in Virginia.

"Through scenes of gloom and misery, the pilgrims showed the way to an asylum for those who would go to the wilderness for the purity of religion or the liberty of conscience. They set the example of colonizing New England, and formed the mould for the civil and religious character of its institutions. Enduring every hardship themselves, they were the servants of posterity, the benefactors of succeeding generations. In the history of the world, many pages are devoted to commemorate the heroes who have besieged cities, subdued provinces, or overthrown empires. In the eye of reason and of truth, a colony is a better offering than a victory; the citizens of the United States should rather cherish the memory of

* Mr. Bancroft's account of these events is very animated and striking.

those who founded a state on the basis of democratic liberty; the fathers of the country; the men who, as they first trod the soil of the New World, scattered the seminal principles of republican freedom and national independence. They enjoyed in anticipation the thought of their extending influence, and the fame which their grateful successors would award to their virtues. 'Out of small beginnings,' said Bradford, 'great things have been produced; and as one small candle may light a thousand, so the light here kindled hath shone to many, yea in some sort to our whole nation.' 'Let it not be grievous to you,' such was the consolation offered from England to the pilgrims in the season of their greatest sufferings, 'Let it not be grievous to you that you have been instruments to break the ice for others. *The honour shall be yours to the world's end.*'—Page 350.

Laud was now at the height of his power, and the persecution of the Puritans in England was raging with unexampled fury: in the words of Milton,

"They were enforced by heaps to desert their native country. Nothing but the wide ocean and the savage deserts of America could hide and shelter them from the fury of the bishops." "They were provoked to the indiscretion of a complaint and then involved in a persecution. They were imprisoned and scourged; their noses were slit; their ears were cut off; their cheeks were marked with a red-hot brand*. But the lash,

* The trial and punishment of Prynne for the publication of his 'Histriomastix,' familiar as the story is to the readers of history, can scarcely be too often repeated. He was tried by the Star Chamber. The information set forth, that though the author "knew that the queen and the lords of the council were frequently present at those diversions, (plays,) yet he had railed against them" and several others, as may-poles, Christmas keeping, &c. &c." "That he had aspersed the queen and commended factious persons, which things are of dangerous consequence to the realm and state." Prynne's counsel pleaded that he had handled the argument of stage-plays in a learned manner, without designing to "reflect on his superiors." After a long trial he was sentenced to have his book burned by the common hangman; to be expelled the bar, and to be for ever incapable of practising; to be turned out of the Society of Lincoln's Inn, and to be degraded at Oxford; to stand in the pillory at Westminster and at Cheapside, and to lose one of his ears in each place; to pay a fine of 5000*l.* and to suffer perpetual imprisonment.

Rushworth gives passages of a remarkable speech (vol. ii. part ii. pp. 233-246.) spoken by the Earl of Dorset on this occasion. "Mr. Prynne," said the Earl, "I declare you to be a schism-maker in the church, a sedition-sower in the commonwealth, a wolf in sheep's clothing; in a word, *omnium malorum nequissimus*. I shall fine him 10,000*l.*, which is more than he is worth, yet less than he deserves. I will not set him at liberty no more than a plagued man or a mad dog, who though he can't bite will foam: he is so far from being a social soul that he is not a rational soul. He is fit to live in dens with such beasts of prey, as wolves and tigers like himself; therefore I condemn him to perpetual imprisonment; and for corporal punishment I would have him branded in the forehead, slit in the nose and have his ears chopped off." The opinion of this benevolent Earl was not exactly followed in the sentence; the branding on the forehead and the slitting of the nose appear to have been somehow omitted;—and yet there was no want of precedent to support Lord Dorset's views.

Dr. Alexander Leighton, among others, had been tried by the Star Chamber, on the 4th June, 1630, for writing a book, called "An Appeal to the Parliament, or

and the shears, and the glowing iron could not destroy principles which were rooted in the soul, and which danger made it glorious to profess. The injured party even learned to despise the mercy of their oppressors. The mutilated defenders of liberty again defied the vengeance of the Star Chamber; came back with undiminished resolution to the place of their honourable infamy, and manfully presented the stumps of their ears to be grubbed out by the hangman's knife."

While such was the condition of the brethren in England, the government of Massachusetts fell into the mistake of thinking the enforcement of religious unity among themselves essential to the success of the efforts they might be called upon to make to resist the oppression of the mother country. They lived in constant dread of an attack from the hierarchy of England, and a state of morbid irritability had succeeded to their long course of suffering. The fear of violence from without prevented them from witnessing with patience the progress of free discussion at home. Their only chance of safety appeared to depend upon internal union; and had they been content, under existing difficulties, with merely refusing admission to those who were not cordially attached to their party, it would not be denied that there might have been some truth and force in their reasoning. But the attack they so much dreaded never came. Charles and his bishops were too busily engaged in the crimes and the troubles of their

"Zion's Plea against Prelacy." It had been printed in Holland and was distributed for the use of Members of Parliament only. The *unanimous* sentence of the court upon Leighton was, confinement in the Fleet Prison for life; a fine of 10,000*l.*; that he be degraded from the ministry by the "High Commission Court," and then brought to the pillory at Westminster while the court was sitting and be whipped; "after whipping to be set on the pillory a convenient time, and to have "one of his ears cut off, one side of his nose slit, and be branded in the face with "a double S. S. *for a sower of sedition*: that then he should be carried back to "prison, and after a few days be pilloried a second time in Cheapside, and be there "likewise whipped, and have the other side of his nose slit, and his other ear cut "off, and then be shut up in close prison for the remainder of his life." Neale (from whose History of the Puritans the above is taken) informs us that the Archbishop pulled off his cap while this sentence was being pronounced and gave God thanks for it. On Friday, 6th November, the sentence was executed upon the culprit, and Laud thought the particulars deserving of being minutely recorded in his diary: "He was severely whipped before he was sent to the pillory. 2. Being "set in the pillory, he had one of his ears cut off. 3. One side of his nose slit. "4. Branded on the cheek with a red-hot iron with the letters S. S. On that "day seven-night, his sores upon his back, ear, nose, and face being not yet "cured, he was whipped again at the pillory in Cheapside, and had the remainder "of his sentence executed upon him by cutting off the other ear, slitting the other "side of his nose, and branding the other cheek." He was then brought back to prison, where he remained in close confinement for ten years, until he was released by the Long Parliament.

government at home to think of turning their vindictive zeal against the American fugitives, and the Massachusetts fathers want even that imperfect excuse for the acts of unjustifiable aggression committed against those who differed from their own peculiar opinions.

But the time had now arrived when the people of New England were to receive instruction from "one of those clear minds" which sometimes bless the world by their power of receiving "moral truth in its purest light, and of reducing the first conclusions of their principles to a happy and consistent practice." This person was Roger Williams, "a young minister, godly and zealous, having precious gifts;" he was scarcely thirty years of age when he landed in the New World, but his mind had already matured the doctrine from which he derives an immortality of fame; that doctrine of perfect equality, the application of which has given religious peace to the American continent.

"He was a Puritan and a fugitive from English persecution; but his wrongs had not clouded his accurate understanding; in the capacious recesses of his mind he had revolved the nature of intolerance, and he, and he alone, had arrived at the great principle which is its sole effectual remedy. He announced his discovery under the simple proposition of the sanctity of conscience. The civil magistrate should restrain crime, but never control opinion; should punish guilt, but never violate the freedom of the soul. The doctrine contained within itself an entire reformation of theological jurisprudence; it would blot from the statute-book the crime of non-conformity; would quench the fires that persecution had so long kept burning; would repeal every law compelling attendance on public worship; would abolish tithes and all forced contributions to the maintenance of religion; would give an equal protection to every form of religious faith; and never suffer the authority of the civil government to be enlisted against the mosque of the Mussulman or the altar of the Fire-worshiper, against the Jewish synagogue or the Roman cathedral." * * * "In the unwavering assertion of his views he never changed his position; the sanctity of conscience was the great tenet which, *with all its consequences*, he defended as he first trod the shores of New England; and in his extreme old age it was the last pulsation of his heart."—Pages 398—9.

When Williams arrived in Boston these were far from being the principles of the New England Churches. They had not renounced the use of force to compel unity of religion. Considerable commotion was excited in the colony when it was found that he had been chosen as a teacher by one of the congregations, and he soon became an object of jealousy

to the government. Distinguished no less by the principles which he promulgated than by the courageous ability with which they were avowed and maintained, he soon found himself in collision with the clergy and the state. Frequently opposed to their discipline, and determined not to yield obedience to their ordinances, he was forced to engage in controversy with the authorities. Vanquished by his logic and irritated by the calm intrepidity with which he maintained his principles, the rulers threatened to overcome the philosopher by persecution. But they had mistaken their man: fortunately the spirit which had driven Williams forth an exile and fugitive was no sectarian spirit; he would hold no communion with intolerance; he had left England for conscience sake, and he was prepared at all hazards resolutely to stand by her rights. At a later period of his life he confirmed the early views from which he had never swerved for a moment; "the removal of the yoke of soul-oppression," said he, "as it will prove an act of mercy and righteousness to the enslaved nation, so it is of binding force to engage the whole and every interest and conscience to preserve the common liberty and peace."

The magistrates could not brook the independence of Williams, and they were beginning to feel alarmed besides at the course matters were taking in England: "members of the general court received intelligence of some episcopal and malignant practices against the country." They resolved on consolidating their institutions, and prepared for resistance by enforcing unity of profession among themselves. An oath was appointed to be taken, by which every freeman plighted his allegiance, not to King Charles, but to the state of Massachusetts. Williams resisted. When summoned before the court to be sworn he denied their right of compulsory imposition, and his influence was such that the government was forced to give way. While matters were in this condition at Boston, the church at Salem, who were best acquainted with Williams, re-elected him for their teacher, and immediately afterwards the persecuting spirit of the established sect of puritanism began to display itself.

"The ministers got together and declared any one worthy of banishment who should obstinately assert that 'the civil magistrate might not

intermeddle even to stop a church from apostasy and heresy ;' the magistrates delayed action only that a committee of divines might have time to repair to Salem and deal with him and with the church in a church-way. Meantime the people of Salem were blamed for their choice of a religious guide, and a tract of land to which they had a claim was withheld from them as a punishment.

"The breach was therefore widened. To the ministers Williams frankly and temperately explained his doctrines ; and he was armed at all points for their defence. As his townsmen had lost their lands in consequence of their attachment to him, it would have been cowardice on his part to have abandoned them ; and the instinct of liberty led him again to the suggestion of a proper remedy. In conjunction with the Church he wrote 'letters of admonition unto all the churches whereof any of the magistrates were members, that they might admonish the magistrates of their injustice.' The church members alone were freemen ; Williams, in modern language, appealed to the people, and invited them to instruct their representatives to do justice to the citizens of Salem.

"This last act seemed flagrant treason ; and at the next general court Salem was disfranchised till an ample apology for the letter should be made. The town acquiesced in its wrongs and submitted ; not an individual remained willing to justify the letter of remonstrance ; the church of Williams would not avow his great principle of the sanctity of conscience ; *even his wife, under a delusive idea of duty, was for a season influenced to disturb the tranquillity of his home by her reproaches.* Williams was left alone, absolutely alone."—Pages 405—6.

Thus assailed by all the power of the state, deserted by the people for whose liberties he was struggling, and threatened with the rupture of the tenderest domestic ties, the principles of Williams remained unsubdued.

"When summoned to appear before the general court, he avowed his convictions in the presence of the representatives of the state, 'maintained the rocky strength of his grounds,' and declared himself 'ready to be bound and banished, and even to die in New-England,' rather than renounce the opinions which had dawned upon his mind in the clearness of light."—Page 406.

Continuing under the influence of the bad spirit which had hitherto dictated their proceedings with regard to Williams, the members of the general court pronounced against him the sentence of banishment.

"Winter was at hand ; Williams succeeded in obtaining permission to remain till spring, intending then to begin a plantation in Narragansett Bay. But the affections of the people of Salem revived and could not be restrained ; they thronged to his house to hear him whom they were so soon to lose for ever ; it began to be rumoured that he could not safely be

allowed to found a new state in the vicinity; the people were 'many of them much taken with the apprehension of his godliness;' there was evident danger that his opinions were contagious; that the infection would spread very widely. *It was therefore resolved to remove him to England in a ship that was just ready to sail.* A warrant was accordingly sent to him to come to Boston and embark. For the first time he declined the summons of the court. A pinnace was sent for him; the officers repaired to his house; he was no longer there. Three days before he had left Salem, in winter snow and inclement weather, of which he remembered the severity even in his late old age. 'For fourteen weeks he was sorely tossed in a bitter season, not knowing what bread or bed did mean.' Often in the stormy night he had neither fire, nor food, nor company; often he wandered without a guide, and had no house but a hollow tree. But he was not without friends. The same scrupulous respect for the rights of others which had led him to defend the freedom of conscience, had made him also the champion of the Indians. He had already been zealous to acquire their language, and knew it so well that he could debate with them in their own dialect. During his residence at Plymouth he had often been the guest of the neighbouring sachems; and now when he came in winter to the cabin of the chief of Pokanoket, he was welcomed by Massasoit, and 'the barbarous heart of Canonicus, the chief of the Narragansetts, loved him as his son to the last gasp.' 'The ravens,' he relates with gratitude, 'fed me in the wilderness.' And in requital for their hospitality he was ever through his long life their friend and benefactor; the apostle of Christianity to them without hire, without weariness and without impatience at their idolatry; the guardian of their rights; the pacificator when their rude passions were inflamed; and their unflinching advocate and protector whenever Europeans attempted an invasion of their rights."—Page 411.

Williams first began to build at a place called Seekonk; but he found that this was within the Plymouth patent, and he removed into an unappropriated part of the country.

"It was in June that the lawgiver of Rhode Island with five companions embarked on the stream; a frail Indian canoe contained the founder of an independent state and its earliest citizens. Tradition has marked the spring near which they landed; it is the parent spot, the first inhabited nook of Rhode Island. To express his unbroken confidence in the mercies of God he called the place PROVIDENCE. 'I desired,' said he, 'it might be for a shelter for persons distressed for conscience.'" * * * "The land which was now occupied by Williams was within the territory of the Narragansett Indians; it was not long before an Indian deed from Canonicus and Miantonomah made him the undisputed possessor of an extensive domain. Nothing displays more clearly the character of Roger Williams than the use which he made of his acquisition of territory. The soil he could claim as 'his own, as truly as any man's coat upon his back;' and he 'reserved to himself not one foot of land, not one tittle of political

power, more than he granted to servants and strangers.' 'He gave away his lands and other estate to them that he thought most in want, until he gave away all.' He chose to found a commonwealth in the unmixed forms of a pure democracy, where the will of the majority should govern the state. Yet 'only in civil things.' God alone was respected as the ruler of conscience. To their more aristocratic neighbours it seemed as if these fugitives 'would have no magistrates,' for everything was as yet decided in convention of the people. This first system has had its influence on the whole political history of Rhode Island; in no state in the world, not even in the agricultural state of Vermont, has the magistracy so little power, or the representatives of the people so much. The annals of Rhode Island, if written in the spirit of philosophy, would exhibit the forms of society under a peculiar aspect; had the territory of the state corresponded to the importance and singularity of the principles of its early existence, the world would have been filled with wonder at the phenomenon of its history."

We would gladly follow out the story of Roger Williams to its close, but want of space forbids us to attempt the task. There is no more touching trait about the character of Williams than his conduct towards his persecutors. He was the person to inform them of a deep-laid conspiracy of all the Indian tribes to destroy the settlement of Massachusetts by the massacre of the whole of the inhabitants, and they appealed to him to use his well-earned influence with the Indians to break up the dangerous alliance. To accomplish this task he exposed himself to the risk of a horrible death; and the solitary journey through the villages of the infuriated Indians, by which he succeeded in dissolving the formidable conspiracy, is recorded as the most intrepid and skilful achievement in the whole Pequod war. His life was one continued proof of the value of the principles he so undauntedly proclaimed and practised, and which he lived to see completely triumphant. He was chosen by the colony to proceed to England on a mission to the Parliament to solicit the protection of the mother country and a charter. His mission was successful, and Rhode Island is indebted to the Long Parliament, and more especially to the good offices of the younger Vane, for its existence as a political state.

"A double triumph awaited Williams on his return to New-England; he arrived at Boston, and letters from the Parliament ensured him a safe reception from those who had decreed his banishment. But what honours awaited the successful negotiator on his return to the province which he had founded! As he reached Seekonk he found the water covered with

a fleet of canoes; all Providence had come forth to welcome the return of its benefactor. Placed in the centre of his fellow-citizens, the group of boats started for the opposite shore; and as they paddled across the stream, Roger Williams, placed in the centre of his grateful fellow-citizens and glowing with the purest joy, 'was elevated and transported out of himself.'"

It is but justice to Mr. Bancroft to say that he has told the story of Williams well; and we believe that the republication, in a cheap form, of this episode would be highly beneficial to the people of England. We are of those who have faith in the efficacy of example to improve mankind, and we think the example of Williams one of the best that could be employed for that purpose. Who can estimate the benefits which have accrued to their nations from the stories of Wallace and of Tell? What they were in the field, are such spirits as Williams in the sphere of their action,—the heroes of the moral world, glorious examples of the power of a single man, abiding righteously by the dictates of high principle, to redeem his fellows from the vices of slavery, from the crimes of superstition*.

From this time forward the progress of the New-England plantations was rapid. The acts of the exiles, and their fortunes, were watched with intense interest in the mother country; and the stream of emigration began to flow with so full a current, that in a single year three thousand settlers were added to the colony. Among these was the younger Vane, a statesman of the purest mind and of spotless integrity, the object of warm eulogy from his friend Milton, a man from whom even the courtly Clarendon has not ventured to withhold a tribute of high admiration. If Vane, says Clarendon, "were not superior to Hampden, he was inferior to no other man." The arrival of so distinguished a settler was taken

* "Williams," says Dr. Robertson (*Hist. of America*, book x.), "remained among them upwards of forty years as the father and guide of the colony he had planted. His spirit differed from that of the Puritans in Massachusetts; it was mild and tolerating; and having ventured himself to reject established opinions, he endeavoured to secure the same liberty to other men, by maintaining that the exercise of private judgement was a natural and sacred right; that the civil magistrate has no compulsive jurisdiction in the concerns of religion; that the punishment of any person on account of his opinions was an encroachment on conscience and an act of persecution. These humane principles he instilled into his followers; and all who felt or dreaded oppression in other settlements, resorted to a community in which universal toleration was known to be a fundamental maxim."

as an indication that his example would be followed by many others of high rank, but attached to the popular cause; and so it would have happened, according to Mr. Hallam, but for a grievous error committed by the ministers of the doomed and infatuated Charles.

"Men," says Mr. Hallam*, "of higher rank than the first colonists, and now become hopeless alike of the civil and religious liberties of England, men of capacious and commanding minds, formed to be the legislators and generals of an infant republic; the wise and cautious Lord Say, the acknowledged chief of the Independent sect; the brave, open and enthusiastic Lord Brooke; Sir Arthur Hazlerigg; Hampden, ashamed of a country for whose rights he had fought alone; Cromwell, panting with energies that he could neither control nor explain, and whose unconquerable fire was still wrapped in smoke to every eye but that of his kinsman Hampden, were preparing to embark for America, when Laud, for his own and his master's curse, procured an order of council to stop their departure. Besides the reflections which such an instance of destructive infatuation must produce, there are two things not unworthy to be remarked: first, that these chiefs of the Puritan sect, far from entertaining those schemes of overturning the government at home that have been imputed to them, looked only in 1638 to escape from imminent tyranny; and secondly, that the views of the archbishop were not so much to render the Church and crown secure from the attempts of disaffected men, as to gratify a malignant humour by persecuting them."

The arrival of Vane was justly regarded as an indication that his example would soon be followed by the emigration of other distinguished persons. Several men of high rank, among whom were Lord Say and Sele, and Lord Brooke, began to make earnest inquiry into the rising institutions of New England. They entered upon a negotiation for certain changes in the system of government calculated to make a residence more agreeable to them, by bringing the forms of the infant democracy more into unison with those of the British constitution. One of their stipulations was for a division of the legislature into two branches, the one to be called "assistants," and the other "representatives." This proposal was not unacceptable to the people, and was in fact ultimately adopted. But the English aristocrats went a step further, and required the acknowledgement, for themselves and their posterity, of an hereditary right to seats in the upper chamber.

* Constitutional Hist., vol. ii. pp. 79—80.

even in this the fathers of Massachusetts showed some disposition to conciliate such powerful friends ; they offered them the rank of magistrates, and would have consented that the appointments should have been for life ; but nothing could induce them to entertain the proposal of an hereditary dignity, so contrary was it to their habits and to the principles of their political education. The answer of the fathers was given in the following decisive terms :

“ Where God blesseth any branch of any noble or generous family with a spirit and gifts fit for government, it would be a taking of God's name in vain to put such a talent under a bushel, and a sin against the honour of magistracy to neglect such in our public elections. But if God should not delight to furnish some of their posterity with gifts fit for magistracy, we should expose them rather to reproach and prejudice, and the commonwealth with them, than exalt them to honour, if we should call them forth, when God doth not, to public authority.”

We must now conclude. We have looked anxiously for the further progress of this work, and rejoice to find that the second volume, if it be not already published, is at least in the hands of the printer. Without any personal knowledge of the writer, but knowing that the natural tendency of the free institutions of America is to draw her citizens from the contemplations of learning to the more active duties of political life, and having heard that the friends of our author were not free from apprehension, lest he might be driven by impulses so natural to a young man into the abandonment of his historical career, we may be permitted to express our gratification in finding that Mr. Bancroft has not yielded to the suggestions of ambition, and our hope that he may still be found resisting all such seductions.

The land of the pilgrim fathers has at length produced an historian worthy to be entrusted with the task of recording their sufferings and virtues. Those who have learned to sneer at the Puritans as mere fanatics are much mistaken ; no men can less deserve the name. Fanaticism is defined to be “ such an overwhelming impression of the ideas relating to the future world as disqualifies men for the duties of life.” If we try the pilgrims by this test, we shall find that their love of education is alone sufficient to discharge them from the accusation. It was one of the earliest laws of New England that “ none of the brethren shall suffer so much barbarism in their

“ families as not to teach their children and apprentices so much learning as may enable them perfectly to read the English tongue.” “ To the end that learning may not be buried in the graves of our forefathers,” it was enacted, “ that every township, after the Lord hath increased them to the number of fifty householders, shall appoint one to teach all children to write and read ; and where any town shall increase to the number of one hundred families they shall set up a grammar-school, the masters thereof being able to instruct youth so far as they may be fitted for the university.” In the year 1638 John Harvard, who died soon after his arrival in the bay of Massachusetts, bequeathed to the college which now bears his name one half of his estate and all his library. To this institution the inhabitants of the towns contributed voluntary offerings, and it was carefully fostered by the governments. “ Every child,” says Mr. Bancroft, “ as it was born into the world, was lifted from the earth by the genius of the country, and in the statutes of the land received as its birthright a pledge of care for its morals and its mind.”

Honour therefore to the memory of the pure and good who have taught, by an imperishable example, how the liberties of a nation should be nurtured and secured. Others also will be gratefully remembered by posterity, the men of our own times who have striven with greater or less success to apply the lessons of American patriotism to the condition of old Europe. It was a good deed of the English Whigs to open the schools of Ireland to the children of all sects. The men of the North of Italy failed for a season ; but their enterprise was a noble one, for they began with an attempt to re-educate their countrymen. We are confident that their efforts will yet produce good fruits ; that cause cannot fail altogether to which Manzoni, the illustrious grandson of Beccaria, has devoted the energies of his hereditary genius and the labour of an immaculate life : the sufferings of Pellico have not been endured in vain ; Pellico, who expiated by ten years of solitary confinement the attempt to rebuild the liberties of his country on the basis of morality and education.

“ The sensual and the dark rebel in vain,
Slaves by their own compulsion ! in mad game
They burst their manacles, and wear the name
Of freedom, graven on a heavier chain.”

ARTICLE II.

1. *Bill for the more effectual relief of the destitute poor in Ireland.*
2. *Report of GEORGE NICHOLLS, Esq. on Poor Laws, Ireland. 1837.*
3. *Remarks on the Third Report of the Irish Poor Inquiry Commissioners.* By GEORGE CORNEWALL LEWIS, Esq., 1837.
4. *Letter from N. W. SENIOR, Esq. on the Third Report from the Commissioners for inquiring into the condition of the Poor in Ireland, 1837.*

WE have taken in a preceding number a rapid glance at the history of Ireland, from its Conquest (so called) to the present time. It will now be our task to direct the public attention to the still untried resources of that country,—“a field rich from the fallow of centuries of neglect.” The prospect it presents is full of interest and promise, and well calculated to awaken the sympathies of every friend to the well-being of the United Kingdom. We trust that the persons in whose hands the destiny of Ireland is placed, deriving instruction from the pregnant history of past misgovernment, will adopt every possible means to promote the great work of amelioration now in progress, and that her people, profiting by the lessons of experience, and avoiding those miserable bickerings and intestine divisions which have contributed to produce so much misery, will pursue steadily and perseveringly the onward path of national improvement.

As the evils of Ireland are many, so must be their remedies. It is our intention to discuss some of the principal remedial measures in detail.

The Irish Poor Law Bill involves the most important experiment that has yet been made upon the social condition of that country. It has been entered upon, we freely admit, in the most beneficent spirit by all parties, but its operation and results form a very different question, and one, at this moment, of the deepest and widest interest.

Ireland has been said to be a land of anomalies and con-

traditions; and certainly a greater contrast could not easily be found than that which is exhibited between her natural advantages and the destitution of her people. On the one hand is a soil producing an abundance of almost everything that constitutes the wealth of a nation, and on the other, a population by whose labour that abundance is produced subsisting on the lowest quality of food by which human life can be sustained. Here we find a great portion of land wanting labour, and there a great portion of labour wanting employment; the export of food increasing with the increase of destitution; towns formerly insignificant now rising into commercial prosperity; capital accumulating, and yet the great bulk of the population becoming more impoverished; in a word, the country advancing and the people retrograding*.

The character of the Irish peasant exhibits peculiarities not less paradoxical. He is easily excited and easily depressed; laborious without being industrious; ardent without being persevering; active yet indolent; instinctively shrewd yet habitually indiscreet; good-natured yet quarrelsome; in professions far outstripping his performance and yet without bad faith; with little knowledge and much acuteness; he is proverbially generous, improvident and brave. It is the axe of the Irish backwoodsman that has opened so many fertile districts of America to the ploughshare; amid the laborious inhabitants of busy England the work requiring the greatest exertion of human labour, and the largest amount of physical endurance, falls to his share; wherever enterprise has penetrated, there he is to be found foremost in the work of toil or in the path of danger; it is only at home that he is inert; the land of his birth dooms him to destitution or exile!†

* The export trade of Ireland to Liverpool alone, amounted

in 1831 to	4,497,708 <i>l</i> .
in 1832 to	4,581,313 <i>l</i> .
in 1833 to	7,456,602 <i>l</i> .

See *Debate on Repeal of the Union, 1834.*

In 1831 there were in Great Britain 1,055,982 agricultural labourers; in Ireland there were 1,131,715 agricultural labourers; although the cultivated land in Great Britain amounts to 34,254,000 acres, and that of Ireland only to 14,603,000 acres. It appears there are 3,000,000 acres of waste land in Ireland, equal to 5,000,000 of English acres, which are considered to be *almost all reclaimable*.—*Third Report of Poor Law Commissioners.*

† Sir William Temple describes Holland as a country where profit is more in request than pleasure, where there is more sense than wit, more good nature than

In the relations subsisting between landlord and tenant we think we shall discover the primary cause of this state of things. To these the peculiar nature of the institutions of Ireland and the habits of her people are to be mainly traced*. We are told by one class of persons that the evils of Ireland result from illicit distillation; by another, from redundant population; by a third, from the political and religious dissensions which exist amongst the people. The remedies proposed have been equally various: public works,—emigration,—reclaiming waste lands,—and the great experiment of a poor law.

England has given the model for the form, and has afforded ample experience of the effects of a poor law. The first Act of Parliament which makes a provision for the English poor is 12 Richard II., passed in 1388; and this, in conformity with the original allocation of tithes, enacts, “that a convenient sum shall be paid and distributed yearly out of the fruits and profits of the several churches, by those who shall have the said churches in proper use and by their successors, to the poor parishioners in aid of their living and sustenance for ever.” By the 15th of the same king, and the 4th Henry IV. c. 12, impropiators were obliged to distribute a yearly sum to the poor parishioners, and to keep hospitality. These enactments, and the eleemosynary spirit inculcated by the Church of Rome, increased the evils they were intended to remedy. The alms of monasteries were freely given “for the love of God,” rather than in obedience to the statute, to all persons who claimed them, and they were not distributed in any well-adjusted proportion to the real wants of poverty. The sturdy mendicant received his

good humour, where difference in religion produces none in affection, where they argue without anger, differ without enmity, agree without confederacy, and where there are to be found more persons to esteem than love. Ireland presents the reverse of this picture to the minutest trait.

* “The circumstances under which the soil is cultivated, are of such moment as almost wholly to determine the position of a country in the scale of civilization.” —*Essay on Distribution of Wealth.*

“The secret agencies which operate on landlord and tenant being of the most extensive influence, and based on the wants of mankind, are everywhere an essential element of national prosperity if well ordered, and of national degradation if otherwise. It is a partnership of a peculiar nature, framed for mutual benefit, where the power of doing good is incident peculiarly to one party, and the power of doing evil to both.” —*Bicheno's Remarks on Evidence*, p. 1.

share of relief with the same facility as the helpless poor, and a class of "strong beggars, persons whole and mighty in body," as they are described in the quaint language of the statutes, "who as long as they might live by begging did "refuse to labour, giving themselves to idleness and vice," infested the country. By the statute of the 19th Henry VII. provision was made that the poor should be compelled to abide in the cities and towns wherein they were born, or those wherein they had dwelt for three years. This provision seems to have suggested the idea of parish settlements.

The object of these enactments was, not to prohibit begging, but to restrain vagrancy. The 22nd Henry VIII., c. 12, (1531,) required the justices of the peace to assign to the impotent poor the limits within which they were to beg, and provided penalties for those that should be found begging beyond those limits; at the same time the people were exhorted "to be liberal, and bountifully to extend their good "and charitable alms towards the comfort and relief of the "poor, decrepit, indigent, and needy people." Even at that early period the great equitable principle was maintained inviolate, that mendicancy ought not to be suppressed until a certain relief could be offered to the poor; and we accordingly find that the severe statute of Henry VIII.*, which provides "that a sturdy beggar is to be whipped for the first time†; his "right ear cropped for the second; and if he again offend, to "be sent to the next quarter-sessions, and there indicted for "wandering, loitering, and idleness, and if convicted, to suffer execution of death as a felon," was accompanied by a clause requiring the head officers of every parish to receive the voluntary alms of its inhabitants for the support of the impotent, and the setting to work of the able-bodied poor; and it further provides "that any parish making default, and "allowing vagrancy, shall forfeit 20s. per month."

The extreme rigour of this enactment rendered its penal provisions altogether nugatory, and it was therefore modified by the 1st of Edward VI., c. 3, which enacted that an

* 27 Henry VIII., c. 25.

† Whipping was an ordinary penalty for vagrancy during this and several succeeding reigns. It is in allusion to it that Shakespeare, in Edgar's speech (*Lear*, act 3, scene 4,) describes "Poor Tom! who is whipped from tything to tything, and "stocked, punished and imprisoned."

able-bodied poor person who did not apply himself to some honest labour, or offer to serve, even for meat and drink, if nothing more was to be obtained, should be taken for a vagabond, branded on the shoulder with the letter V, and adjudged a slave for two years to any one who should demand him; if he ran away, he was to be branded with the letter S, and adjudged a slave for life; and if he again ran away, he was to be punished with death.

By the suppression of monasteries, multitudes of paupers were deprived of a source of support which they regarded as their patrimony, and the mass of destitution was fearfully increased*.

During the reign of Edward VI., a vain attempt was made to throw the burden of the support of the poor back upon the confiscated church revenues. By the 1st of that king (c. 14,) it was enacted, "that the revenues of church lands should be applied to *goodly purposes*, such as the building and support of grammar schools, the augmentation of the income of the universities, and the better provision of the helpless poor."

These provisions were not, however, enforced against the persons into whose hands the church property had fallen, and the charge of maintaining the poor was shifted on the incomes of the laity. The process by which this was accomplished was gradual. By the 3rd and 4th Edward VI., it is enacted, "that in Whitsun week the minister or church-wardens shall appoint collectors to *gently ask* every man and woman what they of their charity will give towards the relief of the poor, and if any obstinately or frowardly refuse to give, the bishop shall send for him to induce and persuade him by charitable ways and means." This mode of

* The number of monasteries dissolved, according to Speed, Stowe and Camden amounted to 645; amongst which 27 had votes, and their representatives sat in the House of Lords as mitred Abbots. Of colleges were demolished in divers shires, 90; of chantries and free chapels, sometime after, 2374; and of hospitals, 110. The yearly income of all amounted to 163,000*l.*, exclusive of the immense stock of cattle and corn, timber, lead, bells, plate, jewels and rich ornaments which they possessed. The large amount of this income, of which a great portion was applied to charity, may be estimated by comparing it with the price of provisions in those days. The act for their dissolution was passed on the 4th of February 1541. In 1533 it was enacted by Parliament that beef and pork should be sold for $\frac{1}{2}$ d per pound, and veal and mutton for $\frac{1}{2}$ d. In 1537, oats were 3*s.* 4*d.* per quarter, beans 6*s.* The price of Gascoygne, Guyenne, or French wines was settled by Parliament at 8*d.* the gallon. Malmseys, Romneys, Sack, and other sweet wines at 12*d.* by retail. In 1543 oats were 3*s.* 4*d.*, beans 6*s.* 8*d.* per quarter.

gentle solicitation having proved fruitless, the 5th of Elizabeth, c. 3, was passed, which empowered the justices of the peace "to tax and assess all the inhabitants dwelling within the division to a certain weekly charge, according to the circumstances or incomes of parties, to be applied in support of the poor." These statutes, amended by several successive enactments, were at length consolidated by the well-known statute of the 43rd of Elizabeth.

The present state of society in Ireland bears a close analogy to that which existed in England in the thirteenth and fourteenth centuries*. The misery which is now to be found in the former then prevailed to as great an extent in this country; and it appears to us that both in the one and in the other, it can be traced to causes which are not unfrequently found exercising a similar influence over countries in a state of transition to a more healthy system; that it is an index to mark advancement, and ought not, therefore, to awaken any gloomy anticipations.

We find descriptions of the state of the English people during the reign of Edward III., which would be quite applicable to Ireland at the present day. Famines were of frequent occurrence, the price of food fluctuating, malignant fevers periodical, and pauperism almost universal. That the agricultural population had no means of turning to account that portion of their labour which was not required on their small holdings is evident from the complaints of grievances of the "men of Kent," who were united with the people of Norfolk, Suffolk, Essex, Sussex, and other of the eastern counties in Wat Tyler's rebellion†. The great agitator in

* "That the cottier system of husbandry was formerly prevalent here (in England) we have, besides history, the undeniable testimony of the state in which the high lands now in pasture have been left at some remote period. At elevations, and in soils which the modern farmer, improved as his means are, does not think worth tilling, our ancestors drove the plough, the marks of which remain to a great extent at this day."—*Bicheno's Ireland and its Economy*, p. 9.

† Vide Hollingshed, Walsingham, and Knighton as to the history and causes of this rebellion.

As the land which will support a family does not require the labour even of a man, still less that of a family, it is clear that a population in which each family is solely or principally employed in cultivating a patch of ground sufficient for its maintenance, must have a great deal of idle time. This is not quite the state of Ireland, but it is nearly so as respects the cottiers, and is becoming more and more so every day. I attribute much of the turbulence of that population to the want of occupation for a great portion of their time.—*Senior's Letter*, p. 4.

those days was John Ball, a priest of Kent, who preached to the peasantry the principles of natural equality, and that they should not "be kept under like wild beasts," and "if they laboured they should have wages." By a singular coincidence with the great agitator of our day, he usually prefaced and concluded his addresses to the people by a couplet:

When Adam delved and Eve span
Where was then the gentleman?

When the vast multitudes whom suffering had leagued together in that revolt had obtained possession of London, amongst other demands made from the king, they required "the reduction of the rent of land to an equal rate." The analogy between this and some of Captain Rock's claims at the present day is singular enough.

The transition from the serf to the cottier, the second condition, little less degraded, and certainly more productive of misery than the first, was in England followed by the consolidation of farms, and terminated in that improvement in the social condition of the people, which the growth of manufactures and commerce has subsequently produced. The process was slow but sufficiently marked in this country; in Ireland it will be as certain and more rapid. The distress occasioned in England by the transition was not less severe than that it is now producing in Ireland, and it was also attributed to all manner of causes except the true one, and all manner of remedies were prescribed or proposed for its cure. Acts were passed for preventing tillage from being turned into pasture,—for and against inclosures,—for fixing the price of labour,—for encouraging trade,—for promoting or prohibiting the export of corn,—for providing employment for the poor,—against unlawful assemblies,—and there were insurrection acts in abundance. Bacon, in his History of Henry VII., in describing the state of the population in England during the reign of that monarch, accurately depicts the cottier system which now generally exists in Ireland*, and terms the "mere

* "A statute," he observes, "was made of singular policy for the population. "Inclosures at that time began to be more frequent, whereby arable land, which "could not be manured without people and families, was turned into pasture, "which was easily rid by a few herdsmen; and *tenancies for years, lives, and at will* (whereupon much of the yeomanry lived) were turned into demesnes. In

"cottagers" "house beggars." The inclosure acts and those for the abolition of inclosures are quite analogous in their nature and effects to the Irish acts against subletting and the proposals since made for their repeal.

This brings us to the period of the act of Elizabeth providing a compulsory assessment for the poor; a period from which we may date the prosperity of England, and from which it has ceased to present any resemblance to the actual condition of Ireland.

The epoch at which the career of England's improvement began is described by Hollingshed in the following words:

"remedying of this inconvenience, the king's wisdom was admirable, and the parliament's, at that time. Inclosures they would not forbid, for that would have been to forbid the improvement of the patrimony of the kingdom; nor tillage they would not compel, for that was to strive with nature and utility. But they took a course to take away depopulating inclosures, and depopulating pasturage, and yet not by that name, or by any imperious express prohibition, but by consequence. The ordinance was that all houses of husbandry that were used with twenty acres of ground and upwards, should be maintained and kept up for ever; together with a competent proportion of land, to be used and occupied with them, and in no wise to be severed from them, as by another statute, made afterwards in his successor's time, was more fully declared. This, upon forfeiture, to be taken, not by way of popular action, but by the king and lords of the fee, as to half of the profits, until the houses and lands were restored. By this means the houses being kept up, did of necessity enforce a dweller; and the proportion of land for occupation being kept up, did of necessity enforce that dweller not to be a beggar or a cottager, but a man of some substance, that might keep hinds and servants, and set the plough on going. This did wonderfully concern the might and manhood of the kingdom to have fermes, as it were, of a standard to maintain an able body out of penury, and did in effect amortize a great part of the lands of the kingdom unto the hold and occupation of the yeomanry, or middle people, of a condition between gentlemen and cottagers, or peasants."

Some of the measures brought before Parliament for relieving the excited tenantry, during the process of consolidating farms and inclosing commons, are described by Strype. "There was one thing," says he, in his *Ecclesiastical Memoirs*, vol. ii. p. 134, "debated in this Parliament (2nd Edward VI.) which may deserve to be here related, for the pacifying of the people, and making the condition of the poor easier against graziers and gentlemen who inclosed commons and neglected tillage. John Hales lately, that had been in a commission to inquire into inclosures and then saw and pitied the oppression of the poor country people, devised three Bills to be put into Parliament, unto which he first made many wise men privy. The one was for the re-edifying of houses decayed, and for the maintenance of tillage and husbandry. The other against regrating of victuals and other things, wherein one principal point was that neither graziers nor none else should buy any cattle, and sell the same again within a certain time. Some alleged to account for the scarcity of cattle that men eat more flesh than they did in time past; that in Lent people formerly eat neither butter, milk, nor cheese, and would have them do so again for policy's sake."

In a pamphlet entitled "A compendious or brieve examination of certayne ordinary complaints," &c., by W. S., 1581, (erroneously attributed to Shakespeare,) there is a curious discussion on the subject of enclosures between a merchant, a knight, a husbandman, a capper and a doctor of divinity. Each accuses the classes to which the others belong as the cause of the general poverty, and prescribes a remedy at their expense.

"There are old men, yet dwelling in the village where I remain, who have noted three things to be marvellously altered in England within their sound remembrance; one is the multitudes of chimnies lately erected, whereas in their young days there were but two or three in most uplandish towns of the realm; the second is the great amendment in lodging; for, said they, our fathers and ourselves have lain full oft on straw pallets covered with a sheet, under coverlets of dog's wane and hop harlots, and a good round log under their heads as a bolster; if it were so that the father or good man of the house had a mattress or flock bed, and thereon a sack of chaff to rest his head upon, he thought himself as well lodged as the lord of the town; as for servants, if they had any sheet above them it was well, for seldom had they any under their bodies to keep them from the pricking straws that ran through the canvass, and raised their hardened hides. The third thing they tell us of, is the exchange of trene platters into pewter, and wooden spoons into silver or tin: for so common were all sorts of trene (wooden) vessels in those times, that a man could hardly find even four pieces of pewter in a good farm-house."

The towns in Ireland at the present day present a very different aspect from "the uplandish towns with two or three "chimnies," described by Hollingshed, but the march of improvement has not reached the lodging of the poor, and the straw pallets covered with a sheet, with the other appurtenances remembered by the old men in the time of Elizabeth as the hard condition of their early days, would be deemed a luxury at present in Ireland by the great bulk of the population.

One of the most violent stretches of prerogative in Elizabeth's reign was a commission respecting the poor which was issued only a few years before the passing of her famous poor-law bill, and it is scarcely exceeded by the most arbitrary act of the worst of the Tudor princes; we mention it here as a proof of the extent to which popular excesses must have reached when such a degree of coercion was deemed necessary for their suppression. This commission was issued in July, 1595, directed to Sir Thomas Whitford, which, on the allegation, that "there had been of late sundry great unlawful assemblies of a number of base people in riotous sort, both "in the city of London and the suburbs," appointed him provost-marshal "to exercise the justice of martial law," and *inter alia*, empowered him "to repair to all common highways "near to the city which any vagrant persons do haunt, and, "with the assistance of justices and constables, to apprehend "all such vagrant and suspected persons, and them to deliver

“ to the said justices, by them to be committed and examined
 “ of the causes of their wandering, and finding them noto-
 “ riously culpable in their unlawful manner of life, as incor-
 “ rigible, and so certified by the said justices, to cause to be
 “ executed upon the gallows or gibbet some of them that are
 “ so found most notorious and incorrigible offenders*.” A
 paper in Strype’s Annals, written in 1596 by a magistrate of
 Somersetshire†, states that “ forty persons had there been
 “ executed in a year for robberies, thefts, and other felonies;
 “ thirty-five burnt in the hand, thirty-seven whipped, one
 “ hundred and eighty-three discharged; that those that were
 “ discharged were most wicked and desperate persons who
 “ never could come to any good because they would not work,
 “ and none would take them into service; that notwithstand-
 “ ing this great number of indictments, the fifth part of the
 “ felonies committed in the county were not brought to a trial;
 “ the greater number escaped censure, either from the supe-
 “ rior cunning of the felons, the remissness of the magistrates,
 “ or the foolish lenity of the people; that the rapines com-
 “ mitted by the infinite number of wicked, wandering, idle
 “ people, were intolerable to the poor countrymen, and obliged
 “ them to keep a perpetual watch over the sheep-folds, their
 “ pastures, their woods, and their corn fields; that the other
 “ counties of England were in no better condition than So-
 “ mersetshire; and many of them even in a worse‡.” The
 gangs of “ bedlam beggars§” that wandered about the country

* Rymer, 16, 979.

† Vol. iv. p. 290.

‡ Harrison, in his description of England in the reign of Queen Elizabeth, remarks that “ rogues were trussed up apace,” and that there was not “ one year commonly wherein 300 or 400 of them were not devoured and eaten up by the gallows in one place and another.” In another passage of the same work he remarks, “ *Some do grudge at the great increase of people in these daies, thinking a necessary brood of cattel farre better than a superfluous augmentation of mankind.*” And in another, “ *Certes a greate number complaine of the increase of povertie, laying the cause upon God! as though he were in fault for sending such increase of people, or want of wars that should consume them, affirming that the land was never so full!*”

§ This was the term generally applied to them at that period; it will recall to the reader Shakespeare’s description:

The country gives me proof and precedent
 Of Bedlam beggars, who with roaring voices
 Strike in their numb’d and mortified bare arms,
 Pins, wooden pricks, nails, sprigs of rosemary,
 And with this horrible object from low farms,
 Sometimes with lunatic bans, sometimes with prayers,
 Enforce their charity.—*Lear.*

at this time were most formidable. What they could not steal, they often took by force. They counterfeited all manner of diseases, and often feigned madness to impose on the charitable, and terrify the timid*. Many of those in London and its environs, who escaped the provost marshal, met with very summary treatment. Secretary Cecil, the son of Lord Burleigh, who was the prime minister of Elizabeth during the latter period of her reign, seized, in the queen's name, some twelve or fifteen hundred people, whom he called idlers and vagabonds, and sent them off to serve as "English auxiliaries" on board the Dutch fleet†.

Such was the state of affairs in England at the time of the memorable compulsory poor-law. It was a measure that was not tried until all other means had failed‡, and which was at last forced on the Government of that day, by the dreadful effects of a dearth of provisions, extended through a period of three or four years, and during which thousands of persons died from want of food. The act was drawn up with great caution, and was intended only to meet the temporary emergency for which it was framed§; but in poor laws it is diffi-

* There is a curious description of the life of a beggar of the time of Elizabeth, in the "*Belman of London*," published in 1608. After describing his various modes of levying supplies, the writer adds—"The whole kingdom is but his walk, "a whole cittie is but his parish: in every man's kitchen is his meat drest; in "every man's seller lyes his beere, and the best men's purses keep a penny for "him to spend."

† See Camden's *Annals*.

‡ The following Acts were passed during the reign of Elizabeth relating to the poor, previous to the passing of the great final measure of the 43rd.

1 Eliz. c. 16.—To continue the Act made against rebellious assemblies.

5 Eliz. c. 2.—For the maintenance and increase of tillage.

c. 3.—For the relief of the poor.

c. 4.—Touching divers orders for artificers, labourers, servants of husbandry and apprentices.

13 Eliz. c. 13.—For the increase of tillage.

c. 17.—That Robert, Earl of Leicester, may found an hospital in Warwick, or Kenilworth, for the relief of poor and impotent people.

14 Eliz. c. 6.—For the punishment of vagabonds, and for the relief of the poor and impotent.

18 Eliz. c. 3.—For the setting of the poor on work, and for the avoiding of idleness.

39 Eliz. c. 1.—An act against the decaying of townes and houses of industry.

c. 2.—For maintenance of husbandry and tillage.

c. 3.—For the relief of the poor.

c. 4.—For punishment of rogues, vagabonds, and sturdy beggars.

c. 5.—For erecting of hospitals, or abiding and working houses for the poor.

c. 17.—Against lewd and wandering persons pretending themselves to be soldiers and mariners.

§ The 43rd Elizabeth has been erroneously stated by many writers to have been

cult to retrace even those steps which may have been taken for temporary purposes, and the flood of evils which rushed into the social system from this small beginning cannot be too strongly impressed on the attention of those who shall have any share in the administration of poor laws in Ireland. Let us, from the eventful history of their operation here, avoid the calamities which are certain to follow their injudicious application in the sister country. Let Ireland reap all the advantages that are to be derived from her slow progress in the march of improvement by learning wisdom from the mistakes of a country, the rapidity of whose progress has, notwithstanding, been without a parallel in the history of civilization.

The 43rd of Elizabeth enacts that "the churchwardens and overseers shall take order from time to time, with the consent of two or more justices, for setting to work the children of all such whose parents shall not be thought able to maintain their children," and also "for setting to work all such persons, married or unmarried, having no means to maintain them, and use no ordinary or daily trade of life to get their living by;" and also to raise by taxation, &c. a convenient stock of flax, &c. to set the poor on work, and also competent sums of money "for and towards the necessary relief of the lame, impotent, old, blind, and such other among them being poor and not able to work." To the mal-administration of this Act may be fairly attributed the evils of the late English poor-law system; this alone, and not a compulsory assessment for the destitute poor, had the effect of increasing pauperism by abating those exertions on the part of the labouring classes on which their welfare depends. It diminished the great incentive by which human exertion is called forth;—it deprived industry and good conduct of their distinguishing reward, by placing them on a level with indolence and profligacy. Economy and foresight became under its pernicious influence a useless infliction of self-denial; for who during a period of health and youth would hoard up for

framed by Lord Burleigh. He was dead some years before its construction. It was a temporary act to continue for one year. Vide Remarks on this Act in Sinclair's "History of the Revenue," 2nd edit. l. 136, and "Stevens's History of Taxes," 254, 262.

the wants of sickness or old age, when provision was made them out of the poor's fund? Labour naturally produces the means of its requital, by increasing the means of subsistence, —but the mal-administration of the poor law gave to a man and his family an unlimited claim on a provision which he was not required to aid in producing. It carried away the property of the upper classes, and the substance of the laborious and frugal, to supply the demands of the mass of destitution and distress which it created, and lavished upon the drones the honey which the working members of the hive had laid up for a season of scarcity. It destroyed benevolence in the giver and gratitude in the receiver, by making the one a debtor and the other a creditor in this anomalous pauper account, and, as it was extended by subsequent enactments, it became equally fatal to both parties;—while it impoverished the one, it degraded and demoralized the other.

We have no authentic records of the amount levied for the poor under the statute of Elizabeth until the close of the 17th century. In the tables of Gregory King, prepared in 1684, the amount levied in England for the poor is stated to be £665,000, and in Wales £34,000. There cannot be produced any stronger proof of the fatal operation of the English poor laws than the gradual increase of the assessment since that period. We find year after year a host of new claimants upon the rate raised up by the system itself, until at length nearly the whole of the agricultural population of England had been converted into paupers, and in many cases the entire property of whole districts became insufficient to meet their claims for relief*.

In 1699 we find King William stating in a speech from the throne, that “the increase of the poor is become a burthen to the kingdom, and their loose and idle life does in some measure contribute to that depravation of manners which

* In 1776 authentic accounts of this expenditure were first required under the authority of the Legislature. From these returns it appears the whole sum raised in 1776 was £1,720,316, of which there was expended on the poor £1,556,804.

Average of years, 1783 to 85				£2,167,749	expended on poor, £2,004,238
1803	.....	5,348,205	.....	4,267,965	
1815	.....	7,068,999	.....	5,072,028	
1825-6	...	7,274,650	.....	5,928,505	
1828-9	...	7,612,731	.....	6,332,411	
1832	.....	8,622,920	.....	7,036,968	

“ is complained of, I fear with too much reason ; whether the
“ ground of this evil be from defects in the laws already made,
“ or in the execution of them, deserves your consideration.”

The principle of the “ Poor Law Amendment Act,” by means of which the present ministry made such a salutary change in the system, was not a novelty. In the beginning of the reign of George I. the mal-administration of the then existing law was so grievously felt that an act was passed to remedy the evil. The act of Elizabeth appears, strictly enough, to confine relief to the aged and infirm, and to provide merely that all persons “ using no ordinary and daily trade of life to “ get their living by” should be “ set on work.” This was construed into an obligation to provide work for the able-bodied, and by a gradual and imperceptible extension of the obligation, to provide for those out of the poor’s fund for whom no work could be obtained. The 9th Geo. I. created a barrier to the fatal operation of this system. It enabled parishes to purchase or hire, or unite in purchasing or hiring a workhouse, and to contract for the maintenance of their poor ; and provided that no persons whatsoever should be entitled to receive relief who would refuse to be lodged in such houses.

This act operated as a test of destitution, and if it had not been afterwards unfortunately repealed, we should not have to lament the evils which substituted wide-spread pauperism, demoralization and crime, for the sobriety, industry and independence that had once characterized the working classes of England*.

It is of vast importance, that in dealing with the question of a poor law for Ireland, we are not working in the dark. We are happily enabled to refer to experiments that have already been made, and it will be the fault of the persons in whose hands the administration of that law shall be placed, if they fall into errors of which experience has shown the bitter fruits.

It may be well to notice in passing that this system of confining relief to workhouses, established in England by the Act last mentioned, and which is made the basis of the Irish

* In the year 1725, two years after the passing of the 9 Geo. I. c. 7., wages rose to a higher point than they had reached for 130 years before.—Vide *Mr. Barton’s Tables as to Wages.*

poor law, was first recommended by one of the most eminent and able of British lawyers, Sir Matthew Hale, whose opinions on all subjects are justly regarded by Englishmen with veneration.

In a pamphlet entitled "A Discourse touching a Provision for the Poor," written by him and published in 1683, he impresses on the rich the duty of attending to the wants and condition of the poor, because "they that are rich are stewards of their wealth, and they that are wise are stewards of their wisdom," the fit employment for which is "the reformation and relief of those that want both or either,"—and moreover that the interests of the rich require this supervision, because "where there are many very poor, the rich cannot long continue such." He goes on to state "that poor families, which daily multiply in the kingdom for want of a due order for their employment in an honest course of life, whereby they may gain subsistence for themselves and their children, do unavoidably bring up their children either in a trade of begging or stealing or such other idle course, which again they propagate to their children; and so there is a successive multiplication of hurtful or at least unprofitable people, neither capable of discipline nor beneficial employment." As a remedy for this evil, he proposes "that the Justices of the Peace at the Quarter Sessions do set out and distribute the parishes of their several counties into several divisions, in each of which there may be a workhouse for the common use of the divisions wherein they are respectively placed, viz. one, two, three, four, five, or six parishes to a workhouse according to the greatness or smallness and accommodation of several parishes." In these workhouses he proposes "to employ the poor in dressing hemp and flax, spinning, weaving, &c. and the like, and to procure persons skilled in manufactures, to set the people on work, and teach young people a trade." His sagacious mind foresaw the important objection that has been so frequently urged since, to workhouse labour, namely, (as he states it,) "that it might decline the employment of private traders, and thus tend to the decay of trade," and he adds that he would therefore make workhouse labour "merely supple-mental, and a refuge at the time for those who would work

“and cannot get it; a means to teach them to work that cannot, and compel them to work that can.”

The objection to the employment of the poor in workhouses was ably argued by De Foe in 1704, in a pamphlet entitled “Giving alms no charity,” which he contended “confounded manufactures, and the free circulation of trade, and increased the number of the poor.” This pamphlet was directed against a bill brought into Parliament at that time by Sir Humphrey Mackworth, but not proceeded with, “for supporting workhouses with a parochial capital for carrying on parochial manufactures.” De Foe exposes the fallacy of this scheme by showing that it would be merely to take from the poor who labour out of doors, to give to the poor who labour in a workhouse; and that as the market is not thereby increased, its only effect would be to starve the free labourer and bring him to the workhouse, thus making the workhouse the national manufactory, to the destruction of all enterprise.

While we are on the subject of workhouse labour, we ought not to omit to mention a very important Report of the Board of Trade, drawn up in the year 1697, by Locke. It will be observed that, with great wisdom, the Act of Elizabeth sets out by providing for the children of the poor,—so important did it appear to the framers of that measure to rescue the rising generation from the contamination of evil example, and to inculcate early habits of industry and prudence. This great point has been too much neglected by recent inquirers, and Locke’s plan of uniting education with industry, deserves at the present moment the gravest consideration. The intrinsic value of the suggestion, and its important bearing on the subject of an experimental poor law for Ireland, claims for it a degree of attention independent of the high authority from which it springs. There are some portions of this Report, which being intended for the state of things then existing in England, would not apply to our present subject without modification, but the principle is all-important. It states, that

“The children of labouring people are an ordinary burthen to the parish, and are usually maintained in idleness, so that their labour also is generally lost to the public till they are twelve or fourteen years old. The most effectual remedy for this, that we are able to conceive, and which we therefore humbly propose, is, that working schools be set up in each

parish, to which the children of all such as demand relief of the parish, above three and under fourteen years of age, whilst they live at home with their parents, and are not otherwise employed for their livelihood, by the allowance of the overseer of the poor, shall be obliged to come. By this means the mother will be eased of a great part of her trouble in looking after and providing for them at home, and so be at more liberty to work; the children will be kept in much better order, be better provided for, and from their infancy be inured to work, which is of no small consequence to the making of them sober and industrious all their lives after; and the parish will be either eased of this burthen, or at least of the misuse in the present management of it; for a great number of children giving a poor man a title to an allowance from the parish, this allowance is given once a week, or once a month to the father, in money, which he, not seldom, spends on himself at the alehouse, whilst his children (for whose sake he had it) are left to suffer, or perish under the want of necessaries, unless the charity of neighbours relieve them. * * * We do not suppose that children of three years old will be able at that age to get their livelihoods at the working school, but we are sure that what is necessary for their relief will more effectually have that use if it be distributed to them in bread at that school, than if it be given to their fathers in money. What they have at home from their parents is seldom more than bread and water, and that, many of them, very scantily too; if therefore care be taken that they have each of them their belly full of bread daily at school, they will be in no danger of famishing; but, on the contrary, they will be healthier and stronger than those who are bred otherwise. Nor will this practice cost the overseer any trouble, for a baker may be agreed with to furnish and bring into the school-house every day, the allowance of bread necessary for all the scholars that are there. And to this may be added also, without any trouble, in cold weather, if it be thought needful, a little warm water-gruel*; for the same fire that warms the room may be made use of to boil a pot of it. From this method the children will not only reap the forementioned advantages, with far less charge to the parish than what is now done for them, and apply themselves to work, because otherwise they will have no victuals; and also the benefit thereby, both to themselves and the parish, will daily increase; for the earnings of their labour at school every day increasing, it may reasonably be concluded, that computing all the earning of a child from three to fourteen years of age, the nourishment and teaching of such child during that whole time will cost the parish nothing; whereas there is no child now which from its birth is maintained by the parish, but before the age of fourteen, costs the parish fifty or sixty pounds. * * * In

* A preparation of meal and water called "stirabout," and which is only another name for the "*warm water-gruel*" mentioned by Mr. Locke, is a very nutritious and common diet amongst the peasantry in the North of Ireland. A Roman Catholic Bishop in that part of the country gives out of a small income a bellyfull (to use Mr. Locke's expression) of this food for breakfast to *fifty poor children* every morning. We have great hopes of a country where such individual instances of charity are to be found.

order, therefore, to the more effectually carrying on this work to the advantage of this kingdom, we further humbly propose that these schools be generally for spinning or knitting, or some other part of the woollen manufacture, unless in countries where the place shall furnish some other materials fitter for the employment of such poor children; in which places the choice of those materials for their employment may be left to the prudence and direction of the guardians of the poor of that hundred; and that the teaching in these schools be paid out of the poor rates as can be agreed. * * *

"That where the number of the poor children of any parish is greater than for them all to be employed in one school, they be there divided into two, and the boys and girls, if thought convenient, taught and kept to work separately. That the handicraftsmen in each hundred be bound to take every other of their respective apprentices from amongst the boys in some one of the schools in the said hundred, without any money, which boys they may so take at what age they please, to be bound to them to the age of twenty-three years, that so the length of time may more than make amends for the usual sums that are given to handicraftsmen with such apprentices.

"That those also in the hundred who keep in their hands land of their own to the value of 25*l.* per annum, or upwards, may choose out of the schools of the said hundred what boy each of them pleases, to be his apprentice in husbandry upon the same condition.

"That whatever boys are not by this means bound out apprentices before they are full fourteen, shall at the Easter meeting of the guardians of each hundred every year, be bound to such gentlemen, yeomen, or farmers within the said hundred as have the greatest number of acres of land in their hands, who shall be obliged to take them for their apprentices until the age of twenty-three, or bind them out at their own cost to some handicraftsmen; provided always that no such gentlemen, yeomen, or farmer, shall be bound to have two such apprentices at a time *."

The important provisions recommended in this Report were embodied in a bill, and introduced into the House of Commons in 1705. It did not, unfortunately, pass into a law, but we hope it may yet be made available, as it is on record, and contains some valuable machinery for accomplishing the objects recommended by Locke. The subject was afterwards

* Sir W. Petty, in a pamphlet published in 1648, advised that there should be instituted "*Ergastula literaria*, literary workhouses, where children may be "taught as well to do something towards their living as to read and write."
—*Ibid.* *Mis.*

Mr. Thomas Firman, whom Archbishop Tillotson describes as "a worthy and "useful citizen of London," published in 1681 a pamphlet on the same subject, which excited considerable attention. He established a workhouse in the parish of Aldersgate, where "many hundreds of poor children who lived before unprofitable to themselves and the public were maintained at work and taught to earn "their own livelihood."—See *Tillotson's Works*, 9th Edit. 1728. I. 212.

taken up by a select committee of the House of Commons appointed to consider of the poor laws in 1817, and strongly urged on the consideration of Parliament, but it did not form a part of the 59 Geo. III., an act which was passed subsequently to the Report of that committee.

In 1796 a Poor Law Bill framed by Mr. Pitt, did become law, and the ingenuity of man could not have devised a measure more pregnant with evil. It was the fatal Act of 36 Geo. III., c. 23, which repealed the Act for confining relief to the workhouses (9 Geo. I.,) and enabled magistrates to order *at their discretion* out-door relief to the poor. The fatal operation of this law, in impairing morals, industry and the productive faculties, has been so often stated in detail that we will not repeat the dismal history. If we conceived that these evils were inseparable from a compulsory assessment for the poor, we should be amongst the first to protest against its introduction into a country, which although, in the words of Doctor Doyle, "covered with pauperism as with a leprosy," is yet happily free from many of the debasing effects which the English system, managed as it has been, has wrought upon the English poor*. But this is not our opinion. It appears, we think, abundantly evident, that the bad consequences resulting from the Act of Elizabeth are to be traced, not to its compulsory provisions, but to their mal-administration. If we entertained a doubt upon the subject, the example of Scotland would remove it. A compulsory provision for the poor was established by law in Scotland twenty-two years before the statute of Elizabeth. The Act to which we refer was passed in that country in 1579. It provided that "The hail
" inhabitants within the parochin are to be taxed and stented,
" according to the estimation of their substance, without ex-
" ception of personnes, to sic ouklie (weekly) charge and con-

* The following items are contained in an overseer's account under the old system of Poor Laws in England: To Elizabeth W. a present for kindness to her father, 5s. To Lucy A. for looking after her mother, 3s. To Mary B. for sitting up at nights with her father, 2s. The overseer's wife, herself a mother, saw nothing wrong in this, as for children to be dutiful to their old sick parents "was a great hindrance."—Vide *1st An. Report of Poor Law Commissioners*, p. 185.

How often have I seen (in Ireland) the wife or daughter sit hungry by the father's side, whilst he resting from his labour partook in sorrow of the scanty meal; and how numberless are the instances where the parent abstains altogether from food, that his children may not die of want! Vide *Dr. Doyle's Letter on a Poor Law for Ireland*. London, 1831.

“tribution as sall be thoct expedient and sufficient to susteine the saidis pure peopil.*” And yet we find in that country a people amongst whom pauperism is rare, and who are not less remarkable for their high tone of moral feeling than for their habits of industry and frugality, self-reliance and independence. This is mainly attributable to the wisdom of the persons in whom the raising, managing and distributing the parochial funds are respectively vested.

If similar results be not produced in Ireland, it will not be for want of the most ample information on the subject. Indeed we do not know any within the wide range of politics upon which more has been said and written than on that of Poor Laws. From Adam Smith to his commentator M. Garnier, from Malthus to Miss Martineau, from Doctor Johnson to Doctor Chalmers,—Burke, Ricardo, McCulloch, Doyle;—all these, and a host of others, have, upon this question, stated principles and detailed facts, founded theories and maintained them by arguments drawn from practice, to such an extent, that the term “Poor Law” conveys to the mind the idea of everything that is trite and common-place, and oppresses it with the recollection of all the conflicting opinions that have been written upon it. Nor is the matter mended when we approach it in reference to Ireland. We are met on the threshold by the five formidable volumes heaped up by the Poor Law Commissioners in 1835. If we require further information, we can refer to the mass of evidence taken before the Committee, moved for by Mr. Spring Rice in 1830,—or to the proceedings of the Select Committee in 1823, of which Mr. Ricardo was a member,—or of that in 1819, whose report was framed by Sir John Newport; and if these will not suffice, we may look further back to the labours of the Select Committee on this subject in 1804, in which Mr. Wilberforce took a conspicuous part. Should the great authorities we have mentioned, and the parliamentary tomes we have alluded to still prove insufficient, we have old arguments furbished up, and the same materials presented to us under new combinations, like the variations produced in a kaleidoscope, by a number of modern pamphleteers, all equally oracular and original.

* Vide Scottish Acts, ed. 1682. 1. 417.

We shall, at the risk of being tedious, state a few of the leading arguments that have been used against the introduction of a poor law into Ireland.

1st. It has been urged that the poor have no just claim on the property of the rich.

2nd. That the poor are so numerous, that the net income of all the landlords in Ireland would do little more than provide them with mere sustenance.

3rd. That what is given in the shape of a poor rate is deducted from the capital that would be otherwise employed in labour.

4th. That a poor rate is a bounty on idleness and improvidence, and cannot be established in a country without lowering the condition, and deteriorating the moral character of its people.

The first objection has been modified by another class of reasoners, who contend that no legal right to relief should be given to the poor, but admit that the poor have a *moral* claim, and that to meet it is a *religious* rather than a *social* duty.

It appears to us, however, that the claim of the poor to a provision against destitution has a social sanction not less strong than a moral or religious one, and that a state which fences property with protective laws is bound to provide for its subjects a resource against perishing from want of food. It provides sustenance for the criminal;—if it should leave the destitute to starve, the conclusion is inevitable, that it offers a bounty,—nay, even gives an irresistible incitement to crime, by making its committal a qualification for relief from the pangs of hunger.

The reason stated under the second head is that which has had the greatest effect in retarding the introduction of poor laws into Ireland; the owners of property have feared for their rentals. But it is just that they should contribute towards a fund for the relief of the destitute poor, as well as that large class of persons, the least removed from want, who have hitherto supplied it, the small farmers and cottiers of Ireland. It is moreover their interest to do so, for in the simple yet forcible words of Sir Matthew Hale, which we have already quoted, “where there are many very poor, the rich cannot long continue such.”

The third argument is founded on the assumption that all the available capital in the country is employed in labour. Now we contend that the reverse is the fact. The striking feature of society in Ireland, and that which has been the chief subject of remark by all travellers, is the chasm that exists between the poor and the rich, unconnected by the link of a middle class, without which society cannot flourish. What is the cause of the non-existence of that beautiful social gradation in Ireland which is found in such perfection in England? It is that, in the former, capital has accumulated into masses, and has not been expended in productive labour, and diffused amongst the people,—a circulation as essential to the well-being of the body politic as that of the blood to the existence of the natural body. We deny what Mr. Nicholls has stated in his report, that there is any want of capital in Ireland. Of this there is no deficiency; but it is not employed in providing profitable employment for the population. From 1825 to the end of 1834, stock was transferred from England to Ireland, in order to enable its holders to receive their dividends in Dublin, to the amount of £18,190,029*, which cost at, say 90 per cent., upwards of sixteen millions sterling. The capital vested in government securities, on which dividends were payable in Dublin, amounted in 1835 to £33,335,986. It is insecurity (to make a slight alteration in the vicious circle of causes and effects that Mr. Nicholls describes to be in course of operation in Ireland,) which produces want of employment,—want of employment turbulence,—and turbulence insecurity.

The fourth objection is a mere assertion which the example of Scotland, and of England under the new system of poor laws practically refutes. It is a specimen of that false reasoning which assumes the exception to be the rule, and draws a conclusion against the use, founded on the abuse of a wholesome measure.

But even England, where that abuse has been most fla-

* Accounts of the Board of Trade, part iii., page 325; and Finance Accounts, 1834, p. 96.

The gross amount of property which passed in Ireland under probates of wills, and letters of administration during fourteen years, (from 1819 to 1832,) was £44,833,359.—See *Official Returns*.

grant, has enjoyed a prosperity without example, commencing with the introduction of a compulsory provision for her poor. Whether that prosperity was consequent upon, or in despite of, her poor laws, it is not our present business to discuss*. It is sufficient to show that a *mere legal assessment* for the poor is not fairly answerable for the evils that all persons condemned in the old English system. The Irish poor law bill merely adopts of the English law the compulsory assessment, and limits its application to the workhouse. Of this we approve. Having only a choice of evils, we prefer the lesser of a compulsory rate, so guarded in its application, to the greater of permitting a human creature to perish for want of food. We are as much as any one opposed to the proposition of giving the poor any legal claim upon the property of the rich, from which have arisen the "allowance system,"—"a labour rate,"—"outdoor relief,"—"a law of settlement,"—which have been the bane of England. From these provisions the Irish bill is free. It provides,

1st. That the English Poor Law Commissioners shall be Commissioners to carry its provisions into execution.

2nd. That they shall be empowered to make and issue general rules for the government and regulation of workhouses, the control of guardians and other officers, &c., which general rules shall be subject to the revision of Her Majesty and Privy Council.

3rd. That unions of parishes shall be formed, and one or more workhouses built for each union, where relief, at the dis-

* Dr. Doyle, in his eloquent letter on a Poor Law for Ireland, describes the effects of the introduction of the Poor Law into England in the following terms:—"Theft, mendicancy, idleness disappeared, and the poor of England became laborious, contented, and happy; the land was tilled—the fields were cleansed of weeds—the drain and hedge-row, the fence and copse were dug and planted—competition for land was unknown, because the owner and the farmer of it had a common interest to promote, and a common burthen to support, and they dealt in good faith one with another. The small proprietor lived upon his land; upon the inheritance left him by his father, and he enriched it by the toil of those whom he should support in idleness, did he fail to provide them in work. He was amply repaid by produce or improvement for the outlay he had made, and he derived security and happiness from the zeal and affection of those whose labour enriched him. It is thus a state is made to flourish,—not by abstract theories on the division of labour, or the employment of capital, or on hidden modes of taxation, but by the establishment of as many commonwealths as there are towns or hamlets in a nation, in each of which the head and members are cemented by mutual dependence and common interest."—*Dr. Doyle's Letter*, p. 50.

cretion of a board of guardians appointed by the rate-payers, shall be given to the destitute poor; and that the expense of maintaining such workhouses, &c. shall be defrayed by a rate to be levied by the board of guardians on all real property within the union.

It has been found by experiment that the workhouses are sufficient tests of destitution in England. It is objected that they are less likely to prove so in Ireland, because, although a workhouse may make the condition of a pauper less desirable in the former than that of an independent labourer, it can scarcely do so in the latter, where no workhouse dietary can be lower than that of the great mass of the people. It appears, however, that in England the workhouse diet is usually much superior to the ordinary food of the independent labourer; but that the discipline, the labour, the classification, and especially the confinement, deter all persons from applying for the relief the workhouses afford who are not really in a state of destitution. It is because they are "prisons" and "bastilles," terms of reproach applied to them by the opponents of the bill, that they peculiarly answer the purpose for which they are intended, namely, a guarantee against undue applications*.

* If we compare the interior of a labourer's cottage with a workhouse, managed according to your regulations, we shall find the latter superior to the former in every point of comfort and convenience: and in the newly-erected workhouses especially, which are universal in East Kent, this superiority is strikingly manifest. The dietary, in spite of the complaints made of it, is, I am satisfied, more than the great majority of inmates can consume, and considerably better than is generally obtained by independent labourers in this county. Every requisite of bedding, of clothing, of furniture, is supplied in the workhouses, of a quality beyond all comparison better than can be met with in the cottages. The rooms are more cleanly, airy, and better built; whilst, instead of the dirty and indecent huddling together of offices, and persons, as is the too frequent practice in labourers' dwellings, here each apartment has its distinct and appropriate use. There is one room for sleeping, another for eating, another for cooking, another for washing, &c. If a workhouse inmate is ill, there is the hospital ready to receive him, where the best medical attendance is daily, and if necessarily, hourly supplied; where he is constantly waited upon by persons appointed to nurse him, and where every article of diet that the physician may think calculated to hasten recovery, or alleviate the pain of disease, is instantly and unsparingly given. If he desires moral or religious instruction the chaplain is at hand to impart it; whatever may be his persuasion, a minister of his choice is immediately sent for, should he demand it. The bed of death in a workhouse need never be without the consolations of religion.—*Letter of E. Carleton Tuffnell to the Poor Law Commissioners.*

Notwithstanding this state of the workhouses, none but the absolutely destitute will remain in them. A country overseer, writing to the Poor Law Commissioners, observes: "Gentlemen, you have worked miracles with the new law; you have healed the sick, made the blind to see, and the lame to walk."—*Report of Poor Law Commissioners.*

They will, we think, prove even more effectual tests in Ireland than in England, because there is no people in the world to whom confinement is so irksome as to the Irish peasantry. If they were mere almshouses where food and raiment were provided for the poor, without making confinement and restraint the condition of relief, they would be soon filled by the working classes. Without the protection they afford, the experiment of introducing a poor law into Ireland would indeed be full of hazard. The only boon that a poor law can safely offer, is a remedy against starvation; the only efficient test that has been yet discovered of the necessities of an applicant for relief, is the workhouse.

It is gratifying to know that the workhouse restraint is sufficient for this all-important purpose, without providing any additional method of adding to the wretchedness of want, and of rendering relief less desirable than independence. They have been made therefore sufficiently comfortable here, under the reformed system, without proving in practice to diminish, in the least degree, the motives to industry and independent labour.

But it is stated that workhouses cannot provide for the great mass of destitution in Ireland which will claim relief; and that it is not alms, but employment that ought to be provided for the people*. In reference to the first, it is observed by Mr. Cornewall Lewis†, that when the English poor law commissioners commenced their operations, they anticipated that a much greater number of persons would require room than have in fact claimed admission; they began by building workhouses for five or six per cent. of the population; they have since, in most cases, found it sufficient to allow for one per cent‡. Some of the spacious buildings erected at the out-

* Aurenzebe, (voyez Chardin, Voyage de Perse, tom. viii.) à qui on demandait pourquoi il ne bâtissait point d'hôpitaux, dit, "Je rendrai mon empire si riche qu'il n'aura pas besoin d'hôpitaux." Il aurait fallu dire, *Je commencerai par rendre mon empire riche, et je bâterai des hôpitaux.*—*Esprit des Lois*, liv. 23, chap. 29.

† Remarks on the 3rd Report of Irish Poor Commissioners.

‡ This is the amount assumed by Mr. Nicholls for which workhouse accommodation may be required in Ireland. He therefore proposes that 100 workhouses shall be provided, each affording accommodation for 800 inmates, and the whole for 80,000. He considers the cost of maintaining the pauper inmates will amount to 1s. per head per week, and the establishment 6d., making together 1s. 6d. per head per week. Thus he calculates that if all the workhouses should be full through-

set of their proceedings are now nearly untenanted. What per-centage of the population it may be requisite to provide for in Ireland, can only be determined by experiment.

But, say another class of reasoners, this plan cannot succeed, because the Irish will not enter into your workhouses; and it will be productive of positive injury, by exciting false hopes in the poor, and shutting up the sources of private charity from which they are now sustained.

In answer to this objection, it may be urged that it is the duty of a government, in offering relief to the destitute, to guard it with such checks, that neither the rich nor the poor shall suffer from it greater evils than those sought to be remedied. If the poor hope for more, they hope for that which no legislature can or ought to supply, and which nature intended should only be the reward of labour, frugality and prudence. Relief, it has been found, cannot be offered with safety, even to the poor themselves, in any other form than the one proposed under the Irish Bill.

Experience does not show that a compulsory rate destroys private charity. In England the most munificent institutions for the poor have been founded and supported by voluntary contributions; and yet there is no country where the legal assessment has been larger. In Scotland also a compulsory rate and a voluntary contribution co-exist even in the same districts; and the exception to this general rule is not likely to be found in Ireland, where charity is an essential portion of the character of the people. Besides, it is allowed on all hands that the poor are now supported in that country by a class of persons little better provided for than themselves. Is it not just therefore to equalize the burden? Ought the master of the stately mansion, whose gate and purse are

out the year, the total charge of maintenance, &c. would be per annum 312,000*l*.

If full three quarters of the year 260,000*l*.

If full half of the year 208,000*l*.

The cost of erecting each workhouse he estimates at 7000*l*., giving 700,000*l* for the whole.

On an average of ten years, ending 1820, the annual charge of the Scotch compulsory provision for the poor was 114,195*l*.—See *Report presented to the House of Commons*, 23rd June 1820.

In 1821, the population of Scotland amounted to 2,093,456.

Assuming the annual charge in Ireland to bear a proportion to that of Scotland, in the ratio of their relative population, it would not amount to quite 460,000*l*. In Scotland out-door relief is given.

equally closed against the poor, be permitted to go free, while the cottager contributes his share to the wants of the destitute? A poor law cannot, indeed, provide employment directly; but it may do much towards the attainment of that great desideratum *indirectly*. The attention of the rate-payers will be necessarily turned to the situation of the poor, and their own interest will be concerned essentially in providing them with work; and this stimulus will be greatest upon the largest owners of property, whose means of affording that employment are greatest. We think, if no other reason than this existed for the imposition of a compulsory poor rate in Ireland, that it is conclusive as to its expediency.

It may moreover be reasonably expected that the Poor Law Commissioners will have fewer difficulties to encounter in Ireland than they have had in England. Here, the new system had to correct a vicious one, which had become engrafted in the habits of the people,—to effect that ethical difficulty of retracing false steps, sufficiently formidable in individual cases, but everything save impossible where masses are to be reformed. They were called on for the first time to superintend interests of the most important kind, and to exert powers of a novel and extensive nature. They had to contend, not only with the Hydra of pauperism in the abstract, but with the existing administration of the poor law, in all its complex relations; to grapple in many cases with churchwardens and overseers, select vestries and boards of guardians,—some of them having interests, almost all of them prejudices, opposed to the new law; to conciliate local jealousies, correct erroneous principles, and reduce the chaos of various and conflicting regulations into order*.

* The Poor Law Commissioners thus describe their "modus operandi." Having put our assistant-commissioners in possession of our views, and of the general information contained in the Reports of the late Commissioners of Inquiry, and all the local information and statistics which our office could furnish, relating to the parishes and districts assigned to them, they proceeded to re-examine every parish; 1st, with relation to the description and pressure of any existing evils in the administration of relief in the parish; 2dly, as to the means existing within the parish of remedying such evils; 3rdly, as to the remedies available by means of a union with other parishes, and as to the extent of the union requisite and practicable for the most efficient and economical administration on sound principles. Upon this examination the assistant-commissioner is required to prepare a written report to the board, setting forth the measures which he recommends for adoption, and referring to the evidence on which the recommendation of each measure is founded. Where the formation of a union is recommended, a consider-

When they succeeded, under these circumstances, in effecting the wholesome changes they have done, at the cost of so little comparative suffering to the poor people who had been the victims of the mal-administration of the old law, we may fairly presume that their plan will succeed in Ireland, where the same difficulties do not present themselves, and where the Commissioners enter upon their task with all the advantages to be derived from experience. The first great change they made in England was the substitution of relief in kind for a money allowance, which usually found its way to the beer and gin shops. This at once, while it relieved destitution, lightened greatly the burthen of outdoor relief. Their next object was to adopt as widely as possible relief within the workhouse, which they found the only test of destitution that could be relied on, having, with little success, tried all the intermediate steps of outdoor labour. That a change so great should have excited considerable clamour on the part of the paupers, and be warmly opposed by those who derived profit from the old system, was to be expected; but after a careful investigation of the proceedings of the Commissioners, we think that the firmness, combined with moderation and humanity, which they have shown in the exercise of their important functions, deserve especial commendation. Their labours have been quite as beneficial to the poor themselves as to the owners of property. The old poor law system threatened, in process of time, to absorb the whole rental of the

able portion of the data collected is reduced to a tabular form. In many instances we find it necessary to hold a personal conference with the assistant-commissioner before determining on the measures proposed, and as to his general course of proceedings. It has been a general practice with each assistant-commissioner, before finally determining upon his recommendations with relation to any district, to convene a meeting of the parties, the most deeply interested in the proposed arrangements, namely, the principal owners and rate-payers, and parish officers. At this meeting he has explained the measures which it was his intention to recommend to the board for adoption, and has invited the exposition of any objections, and the suggestions of any additions to those measures.

The Commissioners state their exertions to have been chiefly directed at the commencement of their labours to the formation of *unions of parishes*, because, 1st. they found that the means of an efficient administration was thereby obtainable at a cheaper rate; 2nd. that provisions were supplied at a cheaper rate by contracting for a whole union on open tender; 3rdly. that petty interests or feelings dominant in the smaller districts were thereby got rid of.

They describe the most convenient limits of unions, which they have found, to be that of a circle, taking a market town as a centre, and comprehending those surrounding parishes whose inhabitants are accustomed to resort to the same market.

—1st Annual Report of Poor Law Commissioners.

country. With rent would have been taken capital, the fund from which labour is supplied. Cultivation would then have been suspended, and starvation and depopulation have followed. To complain of the suffering inseparable from the application of the remedy to this frightful state of things, is as unreasonable as to complain of the pain attending amputation, which saves the body at the expense of an unsound limb.

The workhouse system vindicates humanity, by providing that no one shall perish from destitution ; and it accomplishes this great object in the only manner in which it can be accomplished, without proving pernicious to the sobriety, industry and independence of the working classes. Such is the system the Poor Law Bill will introduce into Ireland. We have shown, that to the great mind of Sir Matthew Hale we are indebted for its plan ;—it was recommended by Locke,—is sanctioned by humanity and reason, and its safety has been tested by experience.—Thus fortified, we entertain the strongest hopes of its success.

The Irish Poor Law Bill, which has been deferred until next Session in consequence of the demise of the Crown, will then doubtless become law with the Municipal Corporation Bill and a Tithe Bill. Our regret for its delay is much lessened by the reflection, that these three measures, of such momentous interest to the Irish people, shall pass together, and adorn the annals of the first Parliament of the young Queen.

We had intended to have considered the several provisions of the Poor Law Bill in detail, but as it will probably receive many alterations before it becomes law, we shall defer these observations, and some others we intended to have made on the important duties which will devolve on the Boards of Guardians, to a more fitting occasion. We will content ourselves at present with stating that, however we deprecate a system of legislating “*de minimis*,” or approve of delegating to the Commissioners such a general power of regulation and control as shall attain a consistent and harmonious administration of the Poor Law, yet we must protest against the extent of some of the powers, particularly that of taxation, vested in them under the Bill.

There is no part of the great principle of workhouse relief

more important than its effect upon the children of the poor. The immigrants to England from Italy, France, Germany and other countries are noted for the exercise of some art; but those from Ireland take possession of the lowest departments of manual labour, and endeavour by mere physical exertion to make up for want of skill. To the rising generation we look for better things; and much may be done towards this desirable object by teaching poor children in the workhouses a trade, which formed a part of Sir Matthew Hale's plan, and which was so strongly recommended by Sir William Petty and Locke.

The Irish Poor Law Bill owes its origin to Lord John Russell. Acting upon his own responsibility, he flung behind him the Report of the Commissioners appointed by the Government, of which he formed a part, to inquire into the applicability of a poor law to Ireland, and issued in 1836 his own letter instead of the King's commission, authorizing Mr. George Nicholls to proceed to Ireland to investigate the state of the poor, in order to arrive at a practical conclusion with respect to any measures to be introduced into Parliament during the (then) ensuing session for their benefit. The bill is the result of that investigation.

Upon Lord John Russell will therefore descend the responsibilities of failure, or the honours of success.

We set out by stating our opinion that the primary cause of destitution in Ireland may be traced to the relations existing between landlords and tenants, and that the great mass of pauperism to be there met with is the unavoidable consequence of the change of system now in course of operation, and which will prove ultimately beneficial to both*. We

* The bad system of culture hitherto pursued in Ireland, may be shown by the following calculation:—The cultivated land of Great Britain, according to Tables laid before the Emigration Committee of the House of Commons, in 1827, by Mr. Cowling, amounted to 34,254,000 acres.

The cultivated land of Ireland, according to the calculation of Mr. Griffith, amounts to 14,603,000 acres. The supposed annual value of the agricultural produce of Great Britain, Mr. Griffith calculates to be 150,000,000*l.*, and that of Ireland, 36,000,000*l.*

From these data it appears, that although the land cultivated in Great Britain, as compared with that cultivated in Ireland, does not quite equal the proportion of 2½ to 1; yet that the annual value of the agricultural produce of the former, as compared with that of the latter, exceeds the proportion of 4 to 1. This is owing to the land in Great Britain being cultivated in larger masses, upon which capital, combined with labour, can be most productively employed.

have shown that the poor law of Elizabeth was enacted to meet the wide-spread distress occasioned by a transition from the system of small holdings to that of a consolidation of farms, and a better practice of husbandry in this country; and that the same unavoidable necessity which existed here for a legal provision for the poor at that period exists in Ireland at this.

We have also referred to Scotland, which furnishes us with a more recent example of the like causes and effects. About the middle of the last century, a minute subdivision of land existed in that country*. It then presented the same aspect that Ireland does now,—a rude state of farming, clumsy agricultural implements, unskilful culture and a deficient return. A change to larger farms, brought by the expenditure of capital and skill to a high state of cultivation, has succeeded, accompanied by the greatest improvement in the habits, manners, and intelligence of the people. In that country also, as in England, a poor law served essentially to mitigate the sufferings of the people during the period of transition; and it was unattended with the evils of the English poor law, because it was judiciously administered.

The existing state of the poor in Ireland is described in the evidence contained in the Appendices (D.) (E.) (F.) to the Report of the Commissioners appointed to inquire into the condition of the poorer classes in Ireland. This having been taken on the spot, and collected from all ranks of people, forms a valuable repertory of facts†. Mr. Nicholls's views on the same subject contained in his Report, being the result of a hasty personal inspection, do not possess an equal claim upon public consideration. A summary of the evidence of the poor law commissioners, which, being spread over several large parliamentary volumes, and necessarily loaded with repetitions, is rather formidable to the most courageous reader, has been prepared by Mr. Bicheno. To those documents we have fully adverted in a former number of this Review‡. It is therefore unnecessary to enlarge upon them here. They fully confirm the view we have taken on the

* See Robertson's *Rural Recollections*. Irvine, 1829.

† The evidence has been collected from thirty-two baronies, lying in different parts of the country, by assistant commissioners associated together in pairs; the one an English agriculturist, and the other an Irish resident.

‡ Vol. iv. p. 1.

subject of an Irish Poor Law. We shall content ourselves with one further extract from Mr. Bicheno's remarks.

"It is hardly possible to overrate the importance to society of that disposition to accumulate which belongs to mankind arrived at a certain stage of advancement, which introduces provident and thoughtful habits, and restrains them from seizing on the indulgence of to-day with a certainty that the penalty of misery will follow on the morrow. It is in many instances the first step from barbarism to civilization. It is this great principle, springing from selfishness, yet expanding into a great moral power by means of education and habit, that distinguishes the prosperous and happy nation from the miserable and degraded one. The absence of it has been too conspicuous throughout Ireland. The effects are acknowledged and felt by every reflecting inhabitant; and though it may be hoped that improvement in this respect is diffusing itself among the upper classes, the poor have not participated in the benefit, but are thoughtless, reckless, and improvident as ever. Very unreasonable expectations are, however, indulged by society on this subject. It is but an unsatisfactory view to attribute these deficiencies to innate vices, not possessed by other peasants, or to an inferior nature. If we look a little further, we shall perceive a more intelligible cause. Their situation is unlike that of every other peasant tenantry throughout Europe. To compare them with English labourers, is to compare them with a class to whom they bear no resemblance; but if they be compared with the peasant tenants of the continent, they will be found to be their superiors in intelligence, skill, and enterprise, and their equals in industry, œconomy, and virtue. Their vices have sprung from their situation, not their situation from their vices. The selfish principle upon which all accumulation is based, has found nothing to act on; and they save nothing, because they have nothing to save. Their whole stock consists, at the best times, of a root speedily decomposed, of apparel hardly enough to cover them, and of a cabin barely sufficient to screen them from the elements. But the immediate evil which accrues to the community from this degradation of a great class is, that the prospect of hopeless penury encourages them to forego all the advantages which self-denial usually ensures, and to follow the dictates of nature without restraint.

"At the same time that the cottier system has given origin to inordinate competition for land, and has raised rents to an unreasonable amount, it has also had the effect of rendering the rate of wages stationary. In the case of cottiers and others deriving their wages from the soil, rent and wages act and react continually on each other. The rent that a cottier pays is not determined by the value of the produce which he can obtain from the soil, but it is determined by adventitious circumstances, such as wages earned among strangers, scarcity of land, and extreme necessity; while the wages that he receives at home will be measured by the lowest wages which he is content to accept from the land he occupies. If he be willing to receive in remuneration for his labour the potatoes which are the result of that labour, the value of these potatoes will become the

standard of his wages; and there can be little doubt, that if the peasantry had been habituated to look upon wheaten bread as a necessary portion of their food, they would have secured to themselves wages higher in proportion to the greater cost of that article of diet.

"The middlemen at first were the chief promoters of the subdivision of land to enable them to derive a profit. The land held by the father is apportioned among his descendants, oftentimes in equal shares, according to the law of gavel kind; and as the proprietors as well as the middlemen had, up to a recent period, no interest in checking this tendency, but rather the reverse, it has gone on in some places to a degree hardly to be credited. The portion of land is become at last in some places so small, as not to yield the occupants a sufficient stock of food for the year's consumption, making it difficult in all cases, and in many impossible, for them to pay the rent. The means of cultivation are also abridged by their poverty, so that they have been obliged to adopt a species of potatoe, of which the characteristic is a large produce of the worst quality; and even of this the crop has of late years shown an increasing tendency to failure. As soon as the landlords perceived their rents to be in danger, and that the whole produce of the soil, if population and subdivision proceeded at the same rate, was likely to be absorbed by the subsistence of the occupiers, they began to open their eyes to their situation. The fall in the price of agricultural produce since the war, and the diminished demand for labour in the home and English market, contributed to their difficulties; and these, with the alteration of the law respecting the political franchise, have been tributary causes to create a revolution in the opinion of the proprietors, on the important questions of population and peasant cultivators.

"The great complaint now among them is redundancy of people, and the new light agriculture, which tends to the extension and consolidation of farms, is the theme of all praise. The chief means by which this transi- tion has hitherto been accomplished in Ireland, is by the cottier labourers passing into con-acre men, thus breaking their tie to a particular spot. They are thus forced to look out for employment as labourers in agricultural or some other business. The fate of many of these unfortunate people is shocking to humanity.

"But though the immediate effect of dispossession is distressing and melancholy, the benefits to society at large are apparent by the alterations which follow upon their quitting the land. Rents fall, cultivation improves, exhausted fields recover their fertility, capital is brought into display, and the soil, which added little or nothing in the hands of peasant cultivators to the national wealth, is immediately made more productive, and at the same time stimulates to a new activity.

"There are two other distinct classes, occupiers of small farms and graziers. Their holdings average from five to fifty acres. The largest holdings pay the lowest rent; it increases in the ratio of the decrease of the holdings according to the following table.

Farmers of 40 acres and above pay about £1 5 0 per acre.		
—————	20 to 40	1 10 0 —————
—————	10 to 20	1 15 0 —————

Cottier tenants under 10 acres pay about £2 5 0 per acre.

Cottier labourers under 10 4 0 0 ———

Thus the poor pay the highest rent, and they occupy generally the worst land."

It would be tedious and unprofitable to point out the minute particulars in which Mr. Nicholls's report of the condition of the Irish peasantry differs from that which we have just quoted, so ably drawn by Mr. Bicheno. Mr. Nicholls's hasty impressions are not to be put into competition with the latter statement, founded on the most ample and searching evidence. In that, however, which is important to our present inquiry, namely, *that great destitution exists*, they both concur, however they may differ as to its amount, or as to causes and remedies.

While society in general, and landlords in particular, derive advantages from the consolidation of farms, it would be most unjust not to make some provision for the ejected tenantry, who, from causes which they cannot control, are brought to destitution.

These poor people have already endured much, and have shown more patience under severe suffering than could have been reasonably expected. It is a calumny to term them "savage" and cruel; the social virtues are no where to be found more prevalent than amongst them, the dark features in their character are the result of misgovernment and other circumstances for which they are not answerable.—'Tis true the Irish peasant is sometimes reckless of legal obligations, and regardless of social duties. But he has felt that the laws were not his friends, and from society he has derived no benefit. When the tithe proctor entered his cabin, and carried off his last blanket and even the roots upon which his wretched family depended for their daily meal, he may have been told it was "duly done," and "according to law."—When ejected from his cabin with a starving family, without provision or prospect save from precarious charity, because a farm was to be consolidated, he may have been assured he had nothing to complain of, because everything was "legally" done. No doubt it was; but will famine be less exacting because the law has been satisfied?—Is it to be wondered at, however it may be deplored, that the outcast tenantry should enter into combi-

nations, where absolute despair is their bond of union, and the pangs of hunger their incentive, to vindicate the great law of nature against that of the statute book, or that Captain Rock's code should supersede the Queen's? How can the "lex scripta" be enforced, when it is opposed to that so eloquently described by Cicero, the "*Lex non scripta, sed nata; quam non didicimus, legimus, accepimus, sed ex ipsa natura hausimus, expressimus, arripuimus; ad quam non docti, sed facti sumus*"?

The Irish peasant is said to have little regard for the rights of property, the protection of which is a paramount object with all civilized nations, as without such protection society could not hold together. But has property no reciprocal obligations for the protection afforded to it by the laws? does it not owe, in its turn, protection against destitution to those by whose labour all property is produced? Most assuredly it does; and the best mode to insure its being respected in Ireland is to make that reciprocity less Irish,—which is said to be all on one side,—and more in accordance with humanity, reason, in fine, sound policy. Banded societies of desperate men who were turned loose upon society in England by the operation of causes similar to those now existing in Ireland, were restored to order by the 43rd of Elizabeth, after every other means for the suppression of tumult that the most cruel laws and most arbitrary executive could devise or accomplish, had been tried in vain. To a compulsory assessment for the poor in Ireland we confidently look for similar results. Without some such measure it would be idle to expect them. The Poor Law will effect a better understanding between landlords and tenants, and thus produce Peace;—Peace will invite Capital—Capital employ Labour—Labour open new sources of Wealth; and in a short period, with the aid of other remedial measures to which we shall hereafter advert, an impoverished, turbulent and reckless population will become careful, industrious and provident, and the permanent improvement of Ireland be secured.

ARTICLE III.

1. *Théorie du Judaïsme.* Par l'ABBÉ LOUIS CHIARYNI, Professeur des Langues Orientales à l'Université de Varsovie. Paris, 1829.
2. *Hist. Geschichte der Juden.* Berlin.
3. *The Jewish Intelligencer.* London, 1837.
4. *Ceremonies, customs, rites and traditions of the Jews.* By HYMAN ISAACS, a converted Jew. London.

ON entering Poland from Germany, the traveller is struck by the appearance of a people entirely different from the Slavonian natives of the country. This population, which presents the spectacle of a strange mixture of the east and of the middle ages, swarms in towns and villages, crowds the markets and thoroughfares, occupies the inns, shops and public-houses, and is found wherever an opportunity may present itself for realizing gains, without submitting to any hard work. The sharply-drawn features and long beards of the men, and the coal-black glowing eyes of the women, betray their oriental origin; whilst the flowing robes and hanging sleeves of the males, as well as the gothic head dresses, necklaces and arm-bands of the females, strongly reminding us of some picture which represents a scene of the middle ages, attest a nation that has remained stationary amidst the general progress of centuries. This nation are the children of Israel, the justly celebrated Jews of Poland.

In England the Jewish capitalist, banker, or stock-broker is discernible to an observant eye only by his oriental cast of physiognomy, or to be detected by occasional mistakes in the pronunciation of the *w* and the *v*; even the dealer in old clothes, who nests in Monmouth Street, or some other purieu of the great metropolis, differs not in his outward appearance from other individuals engaged in the same pursuits of life. In France, the Jew is almost entirely absorbed by the rapid progress of civilization. In Germany, although much more numerous than in the two above-mentioned countries, the Jews are rapidly losing their exclusive character, through the

general progress of knowledge and civilization, by which even they are hurried forward, notwithstanding the efforts of many of them to oppose a tendency which, destroying their separate nationality, amalgamates them with the aborigines of the country where they have settled. The Jews of Berlin*, particularly the more opulent, are generally men of superior education, amongst whom are found many individuals of great eminence in different branches of learning and science. Yet this class are only Jews by name, as they have almost entirely rejected the ceremonial law, and retained only a kind of biblical rationalism. About a dozen years ago, they established at Berlin a public worship, in which the German language was used instead of the Hebrew; but the government soon prohibited its exercise, as having a decidedly deistical tendency. The Jews of Francfort, and of some other commercial towns in Germany, are, with the small exception of some few old people, entering the general civilization of the country, not by means of a higher literary and scientific education, but by the even more powerful incitement of a vulgar vanity; the Jewish fop of Francfort cares as little about Mosaic institutions, or the traditions of the Talmud, as his learned and sceptical brother of Berlin.

The Jews have retained their distinct character better in Bohemia than in any other part of Germany; but the Polish Jew is the Jew *par excellence*, and such as the dark superstition of the middle ages has moulded him. Centuries have rolled on, revolutions have convulsed the globe, many opinions have arisen, disturbed the world and passed away; but the Polish Jew remains unchanged, the same in his outward appearance and internal dispositions, in his physical and moral condition, as he was on entering Poland towards the end of the eleventh century, when he found there a refuge from the Crusaders, who commenced their great work of delivering the Holy Land by persecuting in Germany with fire and sword the ancient inhabitant of Palestine.

* We are indeed at a loss how to explain the absurd regulation, so contrary to the tolerant spirit of the Prussian administration, which has been lately published at Berlin, that the Jews should no longer be called in the official acts, Israelites as they have been heretofore, but simply Jews, which name is still in Germany, as well as in many other countries, used as a term of opprobrium, particularly by the lower classes.

The Jewish nation presents a most interesting subject for the meditation of a serious mind ; a helpless race of men whom all nations have endeavoured to exterminate, subsisting during ages of unrelenting persecution ; and though dispersed over all the surface of the world, preserving everywhere their own customs and religious rites, connected with each other by the community of sentiments, of antipathies and pursuits, yet separated by a wonderful destiny from the general mass of mankind*. Their preservation as a distinct people is indeed an event unparalleled in the annals of the world. What is become of those celebrated empires whose very name still excites our admiration by the idea of greatness attached to them, and whose power embraced the whole surface of the then known world ? They are only remembered as monuments of the vanity of human greatness. Greece and Rome are no more. Their descendants, mixed with other nations, have lost even the traces of their origin ; whilst a population of a few millions of men, so often subjugated, stands the test of thirty revolving centuries, and the fiery ordeal of unparalleled persecution. They still preserve laws which were given them in the first days of the world, in the infancy of mankind. The history of this wonderful people connects the present time with the earliest ages of the world, and we have no reason to believe that it will end before the dissolution of our globe. The Jews are a living and continual miracle, and their exemption from the common fate of nations affords the strongest evidence to the truth of the sacred Scriptures. They are, as it was foretold, dispersed over the habitable globe, being themselves the depositories of these oracles, in which their own unbelief and consequent sufferings are clearly predicted. "Had the Jews" (says Pascal) "been all converted, we should have had none but suspected witnesses. Had they all been destroyed, we should have had no witnesses at all." The exact accomplishment of our Saviour's prediction respecting the destruction of their city and temple, and the calamities they have endured during their dispersion, have furnished every

* It is well understood that we except from this general rule the Jews whom we have described as having lost their separate nationality by the general progress of civilization ; the number of such Jews is however very small when compared to their total population scattered over all the world.

age with the strongest arguments for the truth of the Christian religion. One of the great designs of their being preserved and continued a distinct people appears to be, that their singular destiny might confirm the divine authority of the Gospel which they reject, and that they might strengthen the faith of others in those sacred truths to which they refuse to yield their own assent.

But we must revert to our immediate subject, the Jews of Poland, whose number, living in different provinces which constituted the kingdom of Poland before the partition of 1772, may be computed at two millions*, making the tenth part of the whole population of those provinces. Such an aggregation of Jews has, to our knowledge, never taken place in any other country, and it is the natural consequence of their having experienced in Poland milder treatment and greater protection than in any other part of Europe; advantages which attracted them from every quarter to a land which was not unjustly called their paradise†.

The general opinion is, that the first Jews who arrived in Poland were fugitives from Germany, whence they fled before the persecutions of the Crusaders. This fact seems to derive confirmation from the circumstance, that the language of the Polish Jews is even to this day a corrupted German. There is also good reason to believe that many arrived likewise from the Russian principalities, whence they were expelled in the beginning of the 12th century. There is however sufficient evidence that Jews had already been settled in Poland

* The whole population of Jews in all parts of the world was estimated

by Wallace at	7,000,000,
by Michaelis at	5,000,000,
by Basnage at	3,000,000,
by Gregoire at	6,000,000.

We are inclined to think that the estimation of Gregoire approximates the nearest to the truth.

† We cannot omit mentioning that the Jewish religion has been once since the destruction of Jerusalem the dominant religion of a state, or at least the creed professed by the rulers of a country; we mean the monarchs of the powerful kingdom of the Chasars, whose capital was situated on the banks of the Volga, near its mouth, and who were professing Judaism in the eighth and ninth century. This fact, reported by the Jewish Rabbi Jehudah (vid. Buxtorf, junior), has been considered by some historians as a fiction; it is however confirmed by the evidence of some Arabian writers, particularly by that of Ibn Fozlan, a traveller of the tenth century, whose account contained in the geographical dictionary of Jacoot has been published at St. Petersburg, with a German translation by the learned orientalist Fraen.

previously to the first Crusade, and that they enjoyed great privileges. We know from *Dlugosh*, that Saint Judith, queen of Vladislavus Herman, who reigned (1079—1102) expended large sums to redeem from the Jews such debtors as were unable to pay their obligations. It appears from this that the Jews had a right to detain in prison their insolvent debtors until they had discharged their debt by their labour. The law by which such a debtor was delivered into the power of his creditor, until he paid off his debt with the produce of his labour, existed in almost all the early Slavonian codes; but it proves that the Jews were much favoured, if the application of that law was extended to their Christian debtors.

The first known privilege granted to the Jews in Poland is that of Boleslaus, duke of Grand Poland, dated Kalish 1264, and which affords them considerable advantages. The most extensive rights were however conferred upon them in 1334 by Casimir the Great, who calls them his faithful and able subjects, *fideles et idonei*.

These were ascribed to Casimir's known attachment to Esther, a beautiful Jewess, by whom he had two sons, who were educated in the Christian religion, and several daughters, who followed the creed of their mother. This assertion however, although repeated by almost every historian who has written on the Jews, falls entirely to the ground, when we consider that the privilege in question was granted two years after Casimir's accession to the throne, whilst he became enamoured of the fair Jewess only in the latter years of his reign; and it is very likely that the beautiful Esther, whose influence is described to have been as advantageous to her nation as that of her royal namesake, was not born when the above-mentioned privilege was granted.

This important document seems to be in a great measure the confirmation of the privilege of 1264; and it appears from its provisions, that the Jews enjoyed in many respects rights equal to those of the nobles. This opinion derives additional confirmation from the circumstance, that by the provisions of the statute of Vislitza, given by Casimir the Great, 1347, the Jews were subject to the territorial or common law by which the nobles were judged, and not to the statutes of Magdeburg, or the German municipal law which ruled the towns.

They were however amenable, not to the territorial courts where the nobles were judged, but to the tribunal of the king, or to that of a Palatine, i.e. they were not judged by the judicial, but by the administrative authorities.

The rights conferred on the Jews in the above-mentioned privilege are very great indeed, and perhaps evince too much partiality for a nation which, having no other pursuit than gain, naturally acquired an avaricious propensity ; and which, being the object of almost universal odium and persecution, was necessarily animated by great hatred against the Christians, on whom it sought to retaliate its numberless wrongs whenever a fair opportunity presented itself for doing so with impunity.

It was enacted by the above-mentioned law that the evidence of a Christian could not be admitted against a Jew, unless supported by that of a Jew also.

In all cases respecting money lent by a Jew and goods pawned by a Christian, the oath of the first of them decided in his favour, without requiring any further evidence. This enactment was in itself too partial, and afforded great facility, as well as inducement, for perjury. Moreover, it is well known that the Talmud contains very dangerous precepts relating to oaths taken to persons professing another creed than the Jews. Every kind of mental reservation, and of the most perverse casuistry, is not only allowed, but even recommended by that book in transactions with the *goyim*, or infidel. By asserting this, we do not mean to cast a general imputation on the Jewish character ; we only allude to a fact which is confessed by the more enlightened Jews, who strongly condemn the unsocial tendency of the Talmudic doctrines, dictated by a spirit of revenge against the universal oppression to which the nation had been exposed.

The Jews could lend money, not only on moveables, but also on landed property, and take possession of it in case of non-payment. Their persons and property were amply secured against every violence, and they continued undisturbed in the enjoyment of their privilege till 1406. In this year a canon of Cracow called Budek, excited the people so violently by a sermon which he preached, that they rushed from the church, and attacked the quarter of the town which was inhabited by the Jews : the lust of rapine united with religious fanaticism,

and a great number of Jews were murdered, and their property pillaged by the infuriated mob.

The statute of king Alexander, published by the Chancellor Laski 1507, contains the privilege of Casimir, but with many additional provisions of a less favourable nature. It was inserted rather as a law against than in favour of the nation, because the tide of public opinion was at that time against them, and the Chancellor was even accused of having been bribed by the Jews, for inserting the above-mentioned law at all.

In 1556, an ecclesiastical synod was convoked at Lowich under the presidency of Aloisius Lippomani, legate of the Pope. The object of that convocation being the confutation of heretics, they wished to convince the Protestants, as well as those who insisted upon a communion of two kinds, that the host, being the real body of our Saviour, contained blood. They invented an accusation which, according to the celebrated ecclesiastical writer Raynaldus, opportunely happened (*commode accidit*). A woman belonging to the class of nobles called Lazecka, was accused of having stolen a host, and sold it to the Jews, who extracted blood by perforating it with needles. The blood was exhibited and officially attested. The Jews endeavoured in vain to prove the absurdity of the charge, by arguing that their religion forbade them to believe the doctrine of transubstantiation, and consequently that a wafer might contain blood. The ecclesiastical court condemned the woman and the Jews to be burnt; but it was difficult to carry into execution such an iniquitous sentence, as it was necessary to have the approbation of the king, and this the enlightened and humane Sigismund Augustus would never have given. Myszkowski, the grand marshal of the crown, who was a Protestant, explained to the monarch the absurdity of the charge; but the bishop Przerembski, who was chancellor, forged a royal *exequatur*; this was immediately discovered. Myszkowski loaded the bishop with the severest reproaches in the presence of the monarch; an order was despatched to revoke the *exequatur*, but it arrived too late, and the execution had already taken place. This action excited universal indignation. The king reproached the legate at a public audience for having countenanced prejudices and superstition, and for having stained Poland with innocent blood,

and Lippomani immediately left Poland, without waiting for the orders of the Pope.

It appears that in the sixteenth century, the state of the Jews in Poland was highly prosperous. Gratiani, in his life of Cardinal Commendoni, who had many times visited the country, gives the following description of the Jews of the southern provinces.

"There are found in those provinces a great number of Jews, who are not despised there, as they are in other countries. They do not live there on the vile profits of their usury and services, although they do not refuse this kind of gain ; but they possess grounds, are engaged in commerce, and apply themselves to sciences, particularly to medicine and astrology. They are almost everywhere employed in the collection of customs on different merchandise. They may acquire considerable fortunes ; and they are not only on the footing of respectable people, but sometimes are placed in authority over them. They have no peculiar badge to distinguish them from the Christians ; they have even the permission to wear a sword, and to go about armed. In short, they enjoy all the rights of other citizens."—*Vie de Cardinal Commendoni p. Gratiani, traduit en Francois par Flechier évêque de Nîmes, page 270.*

Two Polish Jews visited Palestine about 1534, and published a description of the marvellous river Sabbathion*, which is said to flow only during six days in the week, and to stop on the Sabbath. The Jesuits burned the work publicly in the market-place of Breslau. It was also at that time a prevalent custom amongst the Jews to wear rings with a cabalistical sign of the above-mentioned river.

Rabbinical learning flourished in Poland during the seventeenth century. The learned historian of the Jews, Basnage, mentions a celebrated rabbi who expounded the law at Cracow

* The Jews assert that this river is exceedingly wide and so agitated during six days in the week that no vessel can navigate it ; that stones of an immense size, having the appearance of pumice stone, are continually flying out of it. As soon, however, as the sabbath begins, this river is entirely dried up ; but if any person should venture to cross it, they would be unavoidably lost, it being so wide that the swiftest horse could not pass over it before the sabbath would be ended and the water return. Beyond that river are residing the ten tribes of Israel, whose population amounts to three millions, and who have a king descended from the family of David. They have a temple which is an exact representation of that of Jerusalem, a high priest, daily sacrifices, oracles, Urim and Thummim. Their sacrifices are consumed by a sacred fire from heaven ; they live amongst themselves in great peace and harmony, and have all things in common. The walls round their city are so high that they cannot see the summit of them ; and ever since the time they have been settled there no stranger has been within their walls or territories, the last being surrounded by the above-mentioned river Sabbathion.

during twenty years, and to attend whose lectures disciples crowded from all parts*.

Isaac Aaronowich (son of Aaron), a learned printer at Cracow, published from his own press the Babylonian Talmud in thirteen volumes, 1603—1617. There were four Jewish presses at Cracow; that of Isaac Aaronowich continued eighty years. The town of Lublin was also renowned for its Hebrew presses; and a learned Jew, Joshua Bar Israel, published there the Talmud of Jerusalem, and Bar Abraham Kalonymus reprinted in the same town, 1617—27, the Babylonian Talmud, after the edition published by Justiniani at Venice. There were besides Jewish printing-offices at Posen, Zolkiew and Wilna. The Jews experienced great calamities in the wars of the Cosacs, which took place in the middle of the 17th century. The Cosacs and the revolted peasants massacred great numbers of them in the Ukraine, Podolia and Volhynia, considering them as the most guilty tools of the oppression they had experienced from their masters. In the town of Constantinow in Volhynia the Jews defended themselves by force against the Cosacs; the town was however taken, and all the Jews, whose number amounted to 14,000, were slain without distinction of age or sex.

After the dismemberment of Poland, the Jews were subject to various regulations under the domination of the three powers who divided the bloody spoils of that unfortunate country. In Austria the Emperor Joseph the Second granted them many privileges which they formerly did not possess, but he subjected them to the military service. In Prussia some new regulations respecting them were adopted, but they were not subjected to the military service. In Russia they are divided amongst the class of merchants and burghers, and pay, besides the taxes imposed on the above-mentioned classes, some others exclusively as Jews, particularly on account of their exemption from military service. Since the accession of Nicholas, however, this exemption has been abolished, and the military duties are exacted even more oppressively from Jews than Christians. The recruits are for the most part taken from among the boys of twelve or thirteen

* The first professor of Hebrew at the university of Cracow was a baptized Jew.

years of age, who are sent at once to the army or to military schools of an inferior class. The Jews naturally look upon this as a most oppressive regulation; its consequence generally being that the boys abandon their own and adopt the dogmas of the Russo-Greek church.

In 1825, the Emperor Alexander appointed a committee to give a new organization to the Jews of the kingdom of Poland, which upon a population of about four millions contains nearly 400,000 Jews. The committee began its labours by making a systematically arranged collection of all the laws and regulations concerning them that had been issued by the governments of Austria, Prussia, the Grand Duchy of Warsaw, from 1807 to 1814, and which were obligatory in the provinces constituted by the Congress of Vienna under the name of the kingdom of Poland, as well as those that were published on the same subject by the administration of the above-mentioned kingdom, from the time of its creation in 1815 till 1825. These various laws and regulations, frequently of a most contradictory nature, amounted to the number of upwards of seven hundred. After having completed their wearisome task and presented their report to the sovereign, the committee proceeded to take measures in order to effect the reformation of the Jews, and to ameliorate their physical and moral condition. The first measure proposed was the formation of a seminary where the future Rabbis and teachers of Jewish schools were to be educated, under the superintendence of the government, in order to substitute men of sound learning and morals for the ignorant, superstitious and fanatical Rabbis, who did everything in their power to prevent the spread of knowledge amongst their countrymen. This undertaking, although acknowledged on all hands to be of paramount importance, met with the greatest difficulties in its execution. The Jews opposed it violently as an institution threatening to destroy their religion; whilst the government, considering it almost impracticable, was reluctant to grant any funds for promoting a scheme, the result of which was considered little better than chimerical. At last, more by the personal influence of the members of the committee than through conviction of the usefulness of the proposed institution, the government were induced to grant 16,000 Polish florins (400*l.* sterling)

per annum for the maintenance of that seminary. This small subsidy was, however, husbanded with so much judgement that a school was opened on the following plan. The studies were divided into two separate courses, one embracing the expounding of the Talmud, a knowledge of which, in spite of its absurd doctrines, is indispensable for a Jewish Rabbi; the second devoted to the study of the Polish language and literature, mathematics, history, geography, and grammatical instruction in the Hebrew language. This last met with great, although not openly avowed opposition from the bigoted Talmudists, who maintain that a grammatical knowledge of Hebrew leads to infidelity; a charge which, according to the meaning they attach to religion, is not without foundation, as the knowledge of Hebrew grammar overturns whole chapters of the Talmud, entirely founded on a false interpretation of words and passages of the Bible. The school had at its opening eight pupils, who were lodged and boarded on the premises at the expense of the establishment, and eight daily pupils, who received almost gratuitous instruction. Boarders were admitted on payment of 10*l.* per annum, and daily pupils at the rate of 50*s.* for the same term. Both classes underwent a public examination six months after the formation of the school, and it produced such a satisfactory result, that their number was immediately doubled, and the prosperity of the institution advanced so rapidly, that after three years of existence it reckoned about one hundred and twenty pupils, and its popularity amongst the Jews themselves was such, that many learned Rabbis became anxious to have their children educated at the establishment. The government doubled the funds originally granted for the maintenance of the institution, which might certainly have succeeded in producing a moral revolution amongst the Jews in Poland, but we are unable to say what has become of it since the events which took place in that country in 1830-31*.

* We cannot omit mentioning an instance of the great progress made by some of the pupils of the school in question. One of them who on entering the school could scarcely speak Polish, acquired such proficiency in that language after three years of education, that he composed some poems, of which the most remarkable for good versification and noble patriotic feelings are a hymn to the Divinity before the battle, and an imitation of the celebrated Marseillaise, both written at

The committee had prepared different plans for the reformation of the Jews, but their execution presenting numerous difficulties, which could be overcome only by dint of perseverance, was prevented through the events we have alluded to. It would be superfluous to canvass the merits or demerits of projects, the execution of which has not even been tried, and we shall limit ourselves to the mentioning of one which had not only been commenced, but already in great part completed by the Abbé Chiaryni, a member of the above-mentioned committee—we mean the translation of the whole Talmud into a language accessible to the generality of the European public. It is well known that the great mass of the Jews strictly adhere to the precepts of the Talmud or traditional law, by which the most insignificant actions of an orthodox Jew are regulated. We think therefore, that a brief account of this extraordinary work will perhaps be not unacceptable to such of our readers as have never had an opportunity of paying attention to that subject.

After the destruction of Jerusalem by Titus only a small number of learned men was left amongst the Jews to transmit their ancient doctrines and institutions to posterity. Of these, part escaped into Egypt and part retired to Babylon, in both which countries refugees were humanely treated. Those who remained in Palestine collected the scattered fragments of Jewish learning from the general wreck into the academy of Jafna, where they also revived their forms of worship. The founder of that school was the celebrated Rabbi Jochanan, of whom the Jewish writers say, "that if the whole heavens were paper, all the trees in the world pens, and all the men writers, they would not be able to record his merits." The academy of Jafna, which according to the same Jewish writers consisted of three hundred schools or classes of pupils, was completed by Rabbi Gamaliel, and its great success induced many dispersed Jews to return to their native country. Soon afterwards another academy was founded at Tiberias, which surpassed that of Jafna, and became

the outbreak of the revolution. The writer was not content to animate the zeal of his countrymen by his patriotic strains, but he engaged many of his young co-religionists to take up arms in the defence of the common cause, for which he obtained an officer's commission, as well as another pupil of the same school who assisted him in his efforts to inspire the Jews with patriotic feelings.

the chief seat of Jewish learning in Palestine. This school obtained privileges and immunities from the Emperor Antoninus Pius, and it produced that curious record of Jewish lore called the Talmud.

The Talmud is composed of two parts, called the *mishna* and the *gemara*, and its origin may be ascribed to the following circumstances. The sect of the Pharisees after the destruction of Jerusalem prevailing over the rest, the study of traditions became the chief object of attention in all the Jewish schools. The number of those traditions had in a long course of time so greatly increased, that the doctors, whose principal employment it was to illustrate them by new explanations, and to confirm their authority, found it necessary to assist their recollection by committing them under distinct heads to writing. At the same time their disciples took minutes of the explanations of their preceptors, many of which were preserved, and grew up into voluminous commentaries. The confusion which arose from these circumstances became so troublesome, that, notwithstanding all that had been done before in order to arrange the traditions, the celebrated Rabbi Judah, surnamed the Saint, who presided over the academy of Tiberias in the second century, found it necessary to attempt a new digest of the oral law and the commentaries of the most famous doctors. This arduous undertaking is said to have employed him during forty years. It was completed, according to the unanimous testimony of Jewish writers, about the end of the second century, and constitutes the first part of the Talmud, comprehending all the laws and institutions which, besides the Mosaic law, the Jews think themselves bound to obey. It consists of a variety of traditions and explanations of different passages of the scriptures and serves as a supplement to the written law. According to their account, these traditions were delivered to Moses during his abode on Mount Sinai, and he afterwards communicated them to Aaron, Eleazar and his servant Joshua. They transmitted them to the elders, who delivered them to the prophets, and they passed from Jeremiah to Baruch, and from him to Ezra, who delivered them to the Grand Synagogue. Thus these traditions were handed down from generation to generation in regular succession till they were transmitted to Judah the

saint, who committed them to writing and so formed the Mishna.

The Mishna however did not resolve all the doubtful questions which were agitated by the Jews, and it was thought that some larger explanation was necessary in order to make it more intelligible. This induced Jochanan, a celebrated Rabbi, to compose, with the assistance of two disciples of Judah, a commentary on the Mishna, which forms the Gemara, or second part of the Talmud. Rabbi Asce, president of the Jewish academy of Babylon, who died 427, wrote another Gemara or commentary on the Mishna. The Mishna of Judah the saint, with the Gemara of Jochanan, is known under the appellation of the Talmud of Jerusalem, being compiled in Palestine; but the same Mishna with the commentary or Gemara of Rabbi Asce is called the Talmud of Babylon, on account of its being completed in that city: both these works enjoy equal respect amongst the Jews, and in fact the Talmud of Babylon is nothing but a continuation of that of Jerusalem. The Jews not only consider the Talmud to be of equally divine origin with the Scriptures, but they value it even more, comparing the Scriptures to water, the Mishna to wine, and the Gemara to an aromatic liquor. The two Gemaras, which are nothing but a collection of sentiments, parables and legal determinations of the several great men of the Jewish schools, are full of the most unsocial precepts, inculcating the greatest hatred to all that is not a Jew; and it can hardly be wondered at, if we consider that the Jews were then the object of general persecution, being themselves deprived of all power. It was natural enough that the leaders of that unfortunate people should seek to instil sentiments of profound enmity against the nations amongst whom they lived, and by whom their religion and separate nationality were constantly threatened with total destruction. The unsocial tendency of this work was still increased by many commentaries written on it by various Rabbis, and composed under the excitement of deep injury. In many countries where the progress of civilization has reached the Jews, many of them have entirely abandoned these absurd doctrines, and keep only to the precepts of the pure Mosaic law; but in Poland, where

the intellectual state of the great mass of the Jewish population is not much, if at all, changed since the darkest period of the middle ages, the Talmud exercises the greatest authority over their minds.

It was therefore thought by the above-mentioned member of the committee that the best means to destroy the pernicious influence of that work, and so to remove the greatest impediment to the civilisation of the Jews, was to expose its contents to the condemnation of the civilised world by a translation into a language universally known. The Abbate Chiaryni was a native of Tuscany and professor of the oriental languages at the University of Warsaw. Since his arrival in Poland, 1819, he had devoted all his time to the study of the Talmud and rabbinical literature, in which he acquired an extraordinary proficiency. He conceived the idea of translating into Latin the whole Talmud, of which there are only partial translations*. The enterprise was however, too colossal to be completed by a single individual, and it was necessary to obtain the patronage of the government. He was obliged to struggle with the greatest difficulties, thrown very adroitly in his way by the Jews; they even succeeded in finding out Papal bulls against the Talmud, and availed themselves of that circumstance to calumniate the project before the ecclesiastical authorities, representing it as contrary to the ordinances of the church, and its author as imbued with heretical opinions.

All these difficulties were, however, not sufficient to dishearten Chiaryni, who, animated by a strong conviction of the usefulness of his project, united great zeal with an unflinching steadiness of purpose in prosecuting his object, and his efforts were at last crowned with success. The government acknowledged the usefulness of the proposed enterprise, granted him a stipend in order to carry it into execution, and prescribed that the translation should be executed in the French language, as being the most universally known. A number of intelligent Jews were engaged as collaborators in the arduous task, and the work was rapidly

* Rabbe has made a German version of the whole Mishna; but of the Gemara, only a few detached portions have been translated into Latin.

proceeding, when the political events that took place in Poland in 1830-31 suspended its progress. It would undoubtedly have been resumed but for the untimely end of Chiaryni, who died in 1832, probably from the effects of protracted over-exertion. His loss cannot be too much lamented; it is scarcely possible to find another individual of similar talent who would devote all his faculties to the completion of such a work, without any other motive than the promotion of knowledge, and the acceleration of the moral emancipation of the Jews from the bonds of Talmudic superstition.

The general plan of the above-mentioned committee, for the reformation of the Jews, was a gradual admission to the civil rights and advantages, from which they are now excluded, of those individuals of their nation who, by receiving a good education, and adopting the manners and customs of the rest of the inhabitants, would abandon their superstitions and exclusive nationality*.

The Jews now form a perfect anomaly amongst the other inhabitants of the country, differing from them not only in their outward appearance, but also in their manners, customs and ideas. Considering themselves strangers in a foreign land, and having an entirely separate community, they constitute in some respects a kind of *status in statu*. This voluntary estrangement from the rest of the community in which they live is still further increased by the measures of the Government, which subjects them to peculiar taxes, assigns separate quarters for their residence, &c. The principal object of the reformation of Polish Jews must be to destroy all the moral and political barriers which separate them from their fellow-citizens, to convert strangers into useful subjects, in other words to make of the Jew a Pole professing the Mosaic religion. It was thought that this object would be best attained by holding out to them rewards for their advancement in the scale of European civilization, and by affording them means of making it.

We have already mentioned, at the beginning of this article, that the Polish Jew presents a striking contrast with the rest

* It is however more than doubtful whether the Government would have ever acceded to such a progressive scheme of civilization; and we think that it will never be carried into execution until Poland be restored to independence under a constitutional government.

of the inhabitants of that country. This contrast increases on a closer examination. A Polish inn tenanted by a Jewish family exhibits a most curious picture to the eyes of an intelligent observer. It is frequently a miserable hovel with a kind of large barn communicating with it, and serving as a stable and a yard for different kinds of vehicles. The habitation itself consists of a large room for the customers, and a small one for the family: this last is crowded to excess, and frequently exhibits the most extraordinary assemblage of contents; among which piles of feather-beds are conspicuous, but so dirty, and exhaling such an offensive smell, that no traveller, however fatigued by his journey, will be tempted to repose on them his wearied limbs, in spite of the softness of the couch. Many families frequently crowd into the same room, which is often divided into several compartments, not by any kind of screens, but by mere lines drawn with chalk on the ground-floor. The company is sometimes increased, particularly in cold weather, by a pet calf lying near the fire-place, and by geese cackling in baskets placed under the wooden benches, which represent chairs and sofas in the miserable abode. It may be easily imagined what kind of harmony is produced by the discordant sounds of these noisy inmates, joined with the cries of children and the scolding of women. Yet this apparent wretchedness often covers considerable wealth; and the rough wooden cupboards, which form a part of the furniture of the room we have described, sometimes contain gold chains, silver plate, rich female ornaments studded with pearls and precious stones, and, more than all, bonds for large sums, lent on the most usurious terms. The same contrast which exists in the physical condition of the Polish Jew, may be frequently observed in his intellectual state. Many a Jew, after spending all the day in the drudgery of serving customers of the most common description with glasses of wine, brandy or beer, calculating with avidity how much corn, hay, wool, &c. he may extort at the lowest price from an intoxicated peasant, or after having perambulated the streets of a town in order to purchase and sell old clothes, retires at night to the miserable abode, which affords him not even the enjoyment of solitude, and there forgets the world and its cares amidst the ponderous volumes

filled with the treasures of Rabbinical lore. His studies are not always confined to the dry precepts of ceremonial law ; his mind often takes a higher flight in the cabalistic science contained in the Zohar*, meditating over the most abstract mat-

* The work called Zohar is written in Chaldaic, and develops the mysterious science called *Cabala*, which contains many metaphysical subtleties as well as many visionary speculations respecting commerce with spirits. Some eminent Christian scholars, amongst whom we may quote the celebrated Pico of Mirandola, have been seduced into a belief in the truth of the cabalistic science.

There are even in this country many Jews who firmly believe in the powers of the cabala. They relate, amongst many other stories, that there lived about the middle of the last century a Jew called Dr. Faulk, who used to reside in Wellesloe Square, London, and who was a great cabalist. They attribute to him many wonderful actions, of which we shall mention only one. Dr. Faulk was in the habit of going on various occasions to Epping Forest. One night when he was passing along Whitechapel Road, one of the hinder wheels of his carriage came off, which alarmed the coachman ; but the Doctor ordered him to proceed, and the hinder wheel followed the carriage all the way to the forest.

A well-known episode of Voltaire's *Zadig*, where the hero of the tale travels about with an angel disguised as a hermit, is taken from a Jewish cabalistic tradition. The Jews assert that the prophet Elijah is wandering about the world as a messenger of God, but that he is discernible only to the eye of persons versed in the cabala. A rabbi called Benjamin once discovered and accompanied him for some time on his peregrinations. On this tour they entered the house of a venerable rabbi, who was very old and had no children, but a very affectionate wife who supported her husband from the produce of a cow, which was their whole property. The aged couple received Elijah and his companion with the greatest kindness, and treated them to the best of their means ; but when they left the hospitable abode, Elijah prayed to the Almighty to kill the cow. They proceeded on their journey, and having entered a synagogue they were treated with slight, upon which Elijah prayed to God that all the Jews belonging to that synagogue might become rulers. On the following sabbath they arrived at another town, where on entering the synagogue they were received with the greatest kindness ; when they departed from the place Elijah prayed to God that amongst all the Jews inhabiting it there might be only one ruler. They arrived afterwards at a very fine mansion ; but when they asked admittance, they were driven out and hunted by dogs. Everything belonging to that inhospitable mansion was in a great state of perfection, except the wall inclosing the garden, which was ruinous and decayed ; Elijah prayed therefore that this wall might be restored.

Benjamin lost patience at the apparent inconsistencies of Elijah, and reproached him with having repaid the hospitality of the old rabbi by killing his only cow ; with having rewarded the rudeness and inhospitality of the Jews in one place, by making them all rulers of the synagogue ; with having requited the kindness of others by excluding them all except one from the same dignity, and lastly with having rebuilt the walls of one from whom they had experienced such ill usage.

Elijah explained to Benjamin his strange conduct in the following manner. The wife of the old rabbi who had received them in such a kind manner was about to die ; Elijah prayed therefore to God that her life might be spared, and that of the cow taken instead of it. In the first synagogue, where they were so ill received, he prayed that they might all become rulers, because there is no peace where every one rules ; but in the second synagogue, where they met with a kind reception, he prayed that there might be only one ruler, because this would establish peace. As for the wall of the inhospitable mansion, were it to have fallen the owner would have found a considerable treasure concealed under it, which he would never find as long as the wall stood over it. These details will remind our readers of the similar stories told by Cardinal Bona and our own poet Parnell.

ters, such as the nature of the human soul, its relation to the Divinity, the connection between the spirit and the body, &c.; these sublime meditations being intermingled with the most fanciful and wild speculations, in which the cabala abounds. After having spent a toilsome day in striving to obtain a mean gain by the exercise of some petty trade, he launches at night into the invisible world, indulging himself in the visionary hope of succeeding by means of cabalistic formulas to command over the spirits of the air, the fire, the flood and the earth*. His mind is however sometimes engaged in more rational pursuits; he studies Euclid in a Hebrew translation, or meditates on the metaphysical truths of the Aristotelian philosophy contained in the works of the great philosopher of Alexandria, the celebrated Maimonides. The Polish Jew, although left behind by the progress of modern civilization, would have occupied an eminent station amongst the scholars of the middle ages†. He is learned but not enlightened, and his information only tends to increase his superstition and contempt of all sound knowledge. One peculiar feature which characterizes his mind is a particular facility for quibbling and casuistical argument on any subject of discussion, and it is acquired from the study of the Talmud, by which he is taught

* Solomon Maimon, a Polish Jew, who by the sole strength of his mind emerged from the lowest grades of society, and became a well-known metaphysical writer, relates the following characteristic anecdote of the extravagant superstitions of the cabala. Having become an adept in that science, he was particularly anxious to make an experiment of the art of rendering himself invisible, which is therein taught. Having gone through all the prayers, observed all the fasts, and recited all the formulas necessary for obtaining this result, he thought himself invisible. He only wanted to ascertain the reality of his state by some positive fact; and having met with a Jew whom he particularly disliked, but of whom he was afraid on account of his great physical strength, he thought that it was a capital opportunity to box the ears of his enemy with impunity, and he enjoyed beforehand the astonishment he would feel at receiving a blow from an invisible hand, which would appear as if coming from the air. He consequently struck the Jew on the face; but instead of being astonished at the blow, the latter seized his supposed invisible antagonist, and gave him a sound thrashing, by which his cabalistic dreams were entirely dispelled.

† A friend of ours, who had devoted much time to observing the Jews in Poland, related to us the following anecdote, illustrative of the sources of their information. He had once a conversation with a Jew in Lithuania about the voyages performed by the Polish Jews to Palestine, in the course of which this person gave him the description of an itinerary from Constantinople to Jerusalem, mentioning the names of different places which our friend was unable to find on the map. Some time afterwards he met with the work of Benjamin of Tudela (a celebrated Jewish traveller of the twelfth century), and discovered there the source of the information which the Lithuanian Jew had given him.

from his earliest youth to argue on every subject*, and which fits him particularly for every abstruse speculation. Formerly the Jews in Poland, as well as in other countries, were the principal physicians; but since that science has progressed it is only practised by such of the body as have received a university education and who belong to the civilized class, who differ in every respect from the genuine Polish Jews.

The Jews were formerly governed by their own authorities, called *Cahals*, which were a kind of municipal body composed of several members elected by themselves, chiefly from amongst the most learned of their nation. These Cahals possessed some judicial and administrative functions, and were recognized by the Government. They assessed and collected the taxes imposed on the Jews; judged their minor differences, decided upon religious matters, as divorces, maintenance of synagogues, &c. This kind of administration is now almost everywhere abolished, on account of the great oppression which the Cahals exercised over the Jews, particularly by subjecting them to the *cherem*, or anathema, which has been severely prohibited.

* It is well known that the celebrated casuistical propositions discussed by the University of Louvain, and for which the Jesuits have been universally reprobated, were borrowed from the Talmud. Amongst the many absurd stories contained in that work there is one which the Jews are fond of quoting, and which relates how a learned rabbi outwitted the devil himself. The rabbi wished to enter heaven during his lifetime, and made an agreement with the devil that if he would bring him to the gate he would give himself up to him. The devil, knowing well that no living man was permitted to take up his residence in Paradise, put the rabbi on his shoulders and brought him to its gate; but the rabbi jumped immediately into the abode of eternal bliss, and swore that he would never leave it, by the name of the Almighty, who to prevent the breach of such an awful oath permitted him to remain, and the devil was cheated of his due. Solomon Maimon, whom we have already mentioned, and who began to study the Talmud when he was five or six years old, relates the following anecdote, illustrative of the casuistical turn of mind which the Jew acquires in his boyish days. When nine years old he lived in an inn tenanted by his grandfather, which being situated on the banks of the Niemen in Lithuania was frequented by the owners of vessels loading corn and other articles of export for Königsberg. His mother, a young and lively woman, used to serve these customers, who gave her on account of her short stature the nickname of *Kootza* (a Polish cant word for *short* or *little*, probably derived from the Turkish *koochook*). The little boy repeated this appellation, and called his mother *Kootza* to the great amusement of the company, who regaled him with sugar and cakes. His grandfather having observed it forbade him to call his mother by such a name, telling him that it was a great sin to do so. One Shacna, a ship-owner, had offered him three lumps of sugar if he would call her three times by the forbidden name; the boy not wishing to lose the lumps of sugar, yet anxious to avoid committing a sin, said: "Mr. Shacna wants me to call my mother *Kootza*, but I shall not call my mother *Kootza*, because my grandfather says that it is a great sin to call my mother *Kootza*."

A curious custom prevails amongst the Jews of Poland in regard to their intercourse with the other inhabitants of the country. They divide amongst themselves houses, inns, lands and other property of a similar description belonging to Christians; and no other Jew except him to whom it was assigned has a right to purchase, to rent, or to derive by his industry any profit from such a property, which is often entailed on a family for generations. This custom, called *Chazak*, although prohibited by law is still practised to a great extent, and establishes a kind of monopoly, injurious to the owner whose property has been so disposed of. It is said to be derived from an absurd maxim of the Talmud, which declares that all things created belong to the Jews, and that the possession of them by the Gentiles is nothing better than a usurpation of the Jewish rights.

Learning constitutes the aristocracy amongst the Jews, and the son of the poorest parents, who acquires great proficiency in the Talmud, will be sought for by the richest merchant as a husband for his daughter. They entertain also a high respect for the descendants of Aaron, real or supposed; and it frequently happens that a poor Jewish carrier, who claims such descent, will be seated in the inn where he stops for the sabbath in the first place at table and above his employer.

The education of the Polish Jew begins when he is four years old, and the boy is initiated at a very early period into the mysteries of the Talmud, which, as we have said, contains rules and regulations for every action in life, and is filled with discussions of a very indecent nature respecting the intercourse between the sexes. The imagination of the youth is thereby so defiled that he becomes unable to feel any other sentiment of love than one of a merely sensual nature. The early marriages of the Jews, in which the inclinations of the parties are never consulted, contribute likewise to destroy the more elevated feelings inspired by one sex in another. But if platonic love is unknown amongst the Polish Jews, there is on the other hand but little lewdness amongst them, and a profligate is of as rare occurrence in that nation as a sentimentalist. Marriage is a religious obligation, and every one is married; even as every one is educated, as far as the knowledge of reading and writing goes.

The general occupation of the Jews in Poland is retail commerce, but particularly keeping of inns and taverns; this last-named branch of trade, chiefly carried on in the villages, exercises a most disastrous influence over the lower classes of the population, by introducing amongst them habits of intemperance, through the increasing temptation which it presents to the poor peasants to waste their hard earnings in the pernicious enjoyment of intoxicating liquors.

Government indeed prohibited their carrying on the retail trade in strong liquors, but the manner in which the prohibition was carried into effect was injudicious. Instead of fixing a term, at the expiration of which the Jews should on no account be permitted to continue a trade acknowledged to be pernicious, the Government sought to restrain it by constantly raising the price of licenses. Beside the immorality of selling a permission to do a thing acknowledged to be wrong, it has entirely ruined the Jews, who, in hopes that the above-mentioned measure would be of a temporary nature, continued to pay for these licenses at the most unreasonable prices, until having completely exhausted their means they were reduced to absolute beggary. Their obstinacy in thus persevering was chiefly produced by their constant and successful mode of neutralizing, if not of destroying altogether, by means of bribery, every measure which they consider as prejudicial to their interests. This is practised chiefly in Russia, where all the public authorities are thoroughly venal. Whenever the Jews want a large sum of money in order to bribe some public officer, or employ in any other manner for the interests of the whole community, they order a general fast for one day, and every Jew is obliged to contribute the value of his daily subsistence so saved. In this manner large sums of money are easily collected. The observance of the fast is not however rigidly enforced, and a Jew who will faithfully pay the amount of his daily consumption may enjoy his regular meals, if he chooses to incur the additional expense*.

* When on one occasion the Emperor Joseph II. was on the point of introducing a new regulation concerning the Jews of his empire, they made great exertions at Vienna in order to prevent its adoption. They succeeded by different means in prevailing upon several influential members of the imperial privy council to oppose the measure in question, which, besides being favourably looked upon by the Emperor himself, was particularly supported by Prince Kaunitz. The Jews tried a long time

The Jews seldom engage in any laborious trades, but choose in preference such as require little bodily exertion, as for instance those of tailor, furrier, and lace-maker: a Jewish smith, carpenter or bricklayer is of very rare occurrence; but since the measure of the Government to restrain the sale of ardent liquors, to which we have alluded, has totally ruined a great number of Jews, many of them are now breaking stones on the high roads. Excepting some few families there are no Jewish farmers in Poland, and the attempts which have been made to promote amongst them agricultural occupations have failed chiefly on account of the Government's refusal to free the Jewish farmer from all taxes peculiar to them. This condition is however indispensable, because a Jew can never succeed in an agricultural occupation, whilst, beside the land-tax paid by all the farmers, he is subject to the imposts by which the Jews are exclusively affected. The most obnoxious of these is that which is called the *Cosher* tax, consisting of a duty on all meat used by the Jews*.

in vain to get access to that celebrated statesman, who had given strict orders that none of the body should be admitted into his presence. At last they offered a considerable present to the prince's *valet de chambre* if he would procure for a Jew an interview with his master, which was to last only one minute, and during which the Jew was to address to the prince one single word. The *valet de chambre* stated to his master the advantageous offer he had received, and Kaunitz, whose curiosity was excited by the extraordinary nature of the demand, granted the wished for audience, which was to take place an hour before the meeting of the privy council, at which the new measure was to be finally decided. At the appointed time a Jew entered the prince's closet, and having made a low bow, deposited on the table a sealed packet, and said *Schweige!* (be silent), after which he made another obeisance and withdrew. The prince opened the packet, and having found that it contained a very large sum in bank-notes, put it into his pocket and proceeded to the council. When the discussion began, several members violently opposed the intended measure by every kind of argument, whilst Kaunitz, who was its chief promoter, remained silent; at last the Emperor turning to the prince inquired with astonishment how it happened that he did not defend a measure which he had constantly advocated. "Sir," said Kaunitz, depositing on the table the packet he had received from the Jew, "I have received this sum for being silent, ask the other gentlemen how much they have got for speaking against the measure." The opponents were confounded by the strange disclosure, and the new regulations were carried.

* The Jews call *cosher* all that is clean or permitted to be eaten, and *treff* all that is prohibited to be used as food. They cannot eat the meat of any animal or fowl which has not been killed by a person well skilled in the precepts of the ceremonial law, and the trade of such a butcher amongst them is a kind of sacred profession, inferior only to that of the Rabbi. This circumstance, and the many accidents which frequently render meat unfit for the consumption of a Jew, necessarily raise its price, which is still more increased by a tax which acts in a very oppressive manner on the Jewish population. This tax was invented by the Prussians under the name *Nahrungsteuer*, or food-tax, and imposed on the Jews because they do not contribute to the payment of indirect taxes, making only a very small, if any, consumption of the objects on which those taxes are assessed.

If the Jew has many vices natural to a people degraded by long oppression, as well as by a most vicious education, which instils into the young not only a strong prejudice but even a violent hatred against all other religions, at the same time that it teaches them to dissimulate such sentiments under the mask of a cringing obsequiousness,—if he is mean, greedy, insensible to any considerations of honour, and with apparently no other object in life than lucre, he still often betrays qualities of a noble kind. He has a strong religious feeling, which keeps him up in all the adverse circumstances of life, and he frequently displays the most admirable resignation amidst the greatest reverses of fortune. Many a Jew who trembles at the loss of a sixpence, and would squabble for hours in order to insure some trifling gain, bears without complaint the loss of a fortune, in amassing which his whole life has been engaged. “God has given and God has taken, may his holy name be blessed!” is the only exclamation which he will make; and the man who was revelling in wealth begins to earn his bread by some menial occupation, without repining at his fate. He is patient and persevering beyond all description in pursuing the object he has in view. He is steady in his conduct and exceedingly sober, and a gambler or drunkard is very rare amongst the real Jews, although those who have relaxed in their religious observances are frequently dissolute. The Jew is also very sensible to kind treatment, and is capable of a strong sense of gratitude for benefits received.

The condition of women amongst the Jews has retained much of its Oriental origin, although it was necessarily raised by the abolition of polygamy*. A Jewess rarely if ever knows anything of Hebrew; and although many of them can read and write, the use of this knowledge is limited to book-keeping, and to the perusal of some works of fiction written with He-

* Polygamy amongst the Jews was formally prohibited through the influence of Rabbi Gerson (†1060) by a synod held at Worms, under the penalty of excommunication, or *Cherem*; but the effects of this prohibition were to last only till 1340, after which time a person married to more than one wife was not to be considered as falling under the penalty. In many countries this prohibition was not adopted by the Jews,—for instance by those that lived in Provence. The abolition of polygamy was not made on religious grounds, but only as a matter of expediency; many later Jewish synods have however forced such individuals as had married several wives to divorce them all except the first.

brew letters in the corrupted German which the Jews speak throughout Poland.

Considering women as beings of an inferior nature to men, the Jews are much less reluctant to send their daughters than their sons to Christian schools; and it therefore happens not unfrequently that Jewish girls acquire in these schools the rudiments of a general education, and become afterwards as mothers of families instrumental in furthering civilization amongst their nation. It is well known that the Mosaic law affords great facilities for divorce, and this facility has naturally a very unfavourable influence on the domestic relations of the Jew.

The Polish Jews may be divided into three classes, the Rabbanites or Talmudic Jews, the Chassidim, and the Karaites. The Rabbanites, or Talmudic Jews, form the bulk of their population in Poland. They are generally considered as the descendants of the ancient Pharisees, and adhere strictly to the precepts of the Talmud. All that we have said of the Polish Jews in general is particularly applicable to the Rabbanites.

The Chassidim or Hassids are of a very recent origin, and their sect is peculiar to Poland. The word Chassid or Hassid expresses in Hebrew one who is zealous, good, pious or holy. Such were, according to the opinions of many learned men, the Assideans mentioned in I Maccabees, ii. 42, vii. 13, and II Macc. xiv. 6. They were not a sect, but a kind of brotherhood or sodality, whose members devoted themselves particularly to the service of the temple, and distinguished themselves by a most rigorous observance of prayers, fasts and other precepts of the Mosaic law. It seems, however, that the modern Hassids have nothing in common with the ancient Assideans except the name, which sufficiently shows their pretensions to superior sanctity. This sect originated between 1760 and 1765 at Miedzyboz, a small town in Wolhynia belonging to the family of the princess Czartoryski; and its founder is said to have been a rabbi of the name of Israel.

Israel Lœbel, an orthodox or Talmudistic rabbi of Nowogrodek in Lithuania, who devoted all his time to persecuting the Chassidim, and denouncing them to the Government of

the country as a highly dangerous sect*, relates that the above-mentioned Israel of Miedzyboz was an ambitious man, who being destitute of Talmudic knowledge, and unable to gain reputation by his learning, sought to acquire influence by becoming an exorcist. He pretended that his spirit frequently detached itself from his body to explore the novelties of the intellectual world, that it revealed to him whatever passed there, and averted many evils with which the world of spirits threatens our earth.

In order to realise his designs Israel assumed the mask of an exemplary piety, and joined to his name that of Balshem, or possessor of the name of God. The propensity of credulous and ignorant men towards the occult sciences procured him in less than ten years more than ten thousand followers, whom he called Chassidim, manifesting by this appellation a claim to a sanctity superior to that of other Jews. But it was soon discovered that the connection between Rabbi Israel and his disciples did not conduce to the end he had announced, and that their intentions and their actions were contrary to the principles of piety and morality. It was this which induced Elias, the grand rabbi of Vilna, in concert with the elders of the synagogue of Brady (a celebrated commercial town in Gallicia or Austrian Poland), to write a work against the new sect, in order to prove that it was injurious to the Jewish religion and to the state. Elias being near his death enjoined all who visited him to proclaim, that whoever loved God and man ought carefully to shun all communication with the Chassidim, who under the mask of religion concealed the most gross immorality.

Israel Balshem, in order to strengthen his party and to oppose the orthodox Jews, exerted himself to gain the most opulent people, and published a work which is the code of his doctrine, and which certainly does contain abominable principles. He forbids his adherents, under the most severe penalties, to cultivate their minds. Those who possess information ought to suppress it; for it is dangerous, says he, to permit reason to interfere in matters of religion. He also taught,

* His account of the Chassidim, and of the efforts he had made to suppress the sect, was printed in a German periodical called *Sulamit*, edited at Dessau in Germany, and devoted to the reformation of the Jews.

that those who pray to God should not melt in tears ; for the father beholds with more pleasure his children cheerful and happy, than discontented and sorrowful.

The principal maxims of the sect are said to be as follows. If any one has committed or wishes to commit sin, he can promise himself absolution from his leader, without subjecting himself to a change of conduct and leading a regular life. This immoral principle increased the number of Balshem's followers, particularly amongst the less instructed classes, to such a degree, that they amounted to forty thousand at his death, which happened fifteen years after the foundation of the sect. After the death of Balshem his followers substituted for their leader many teachers, who published in defence of their doctrine several works, two of which are considered to be the production of Balshem himself. One of them, called *Kesser Shemtow*, appeared in two parts, printed at Karzec and Zolkiew. In the first part he gives his followers a general absolution for the sins they have committed and shall commit, on condition that they educate their children in the Chassidim doctrines. He asserts that his soul, having been transported in an ecstasy to heaven, the archangel Michael, the protector of the Jews, declared to him that on this condition every sinner should not only obtain remission, but even a reward for his crimes. In the second part he invites his disciples to pray to Abraham, the father of the Jews, who has conducted so many of his race to the true belief, and who has preserved it in many souls disposed to quit it. He condemns all connection between their children and those who do not belong to the Hebrew nation, especially his sect.

The second posthumous work of Balshem, under the title *Likute Amuniv*, was printed at Leopold (or Lemberg, the capital of Austrian Poland,) and in the two other towns before mentioned. He teaches that, in order to be united to the Divinity, it is necessary to commit sin upon sin, and that the more horrible the offences, the more agreeable they are to him. For God being the first in the scale of beings, and the greatest sinner being in the last grade, there is between them a species of contiguity, by representing to ourselves that the scale is of a circular form, or, as our witty neighbours would say, *les extrêmes se touchent*.

A rabbi called Baer Medzeritz, one of the directors of the sect, has commented upon the principles of the founder in a work in which he proscribes every exercise of virtue. But the most abominable book, called *Noam Hameleh*, was written by a rabbi called Melech. Balshem had granted a general absolution upon conditions which could not always be performed. Melech goes much further; he teaches that each of the directors of that sect can absolve the greatest crimes, past and future. He prohibits in the same work the use of medicine, considering that he who can grant them eternal life, may at his pleasure prolong their temporal life. We have reported these facts on the authority of the learned rabbi Israel Lœbel, who, as we have said, made the greatest exertions to suppress that sect, into which his own brother had been seduced. These maxims are certainly most revolting; at the same time it is necessary to be very cautious in receiving such accusations, particularly when directed against a whole religious community by the priest of another.

We shall add to the relation of Israel Lœbel a few remarks communicated to us by a friend who has himself had good opportunities of observing the Chassidim in Poland. They are great believers in the cabala, and sedulously apply themselves to the study of the *Zohar*, a book which we have had already occasion to mention. During their prayers they make the most extraordinary gesticulations. They strike their heads against the wall, jump about the room, &c., performing all these absurdities with real or pretended fervour. They are also very noisy in their rejoicings, and make sometimes, at the close of their sabbath, such an uproar in the streets of a town that the police is obliged to interfere. The Chassidim entertain an extraordinary respect for their rabbis, several of whom are revered like saints; and all their decisions, whether in spiritual or worldly matters, are submitted to without the slightest opposition. A rabbi of that sect, who resided at Lady, a small town on the borders of ancient Poland, in the present government of Mohiloff, became so celebrated for his wisdom and piety that many Jews travelled several hundred miles to adore so extraordinary a personage. They relate the most absurd

stories about him ; as for instance that he was endowed with seven wisdoms, each more perfect than the preceding. It was very rarely that he made use of the seventh wisdom, superior in excellence to all the others ; but whenever he began to speak under its influence, the atmosphere around was filled with fragrance. When the Russians retreated towards the interior of the country, on the entrance of the French forces in 1812, they removed with them many influential people from the ancient Polish provinces. The above-mentioned rabbi was of the number, and the Chassidim firmly believe that the success of the Russians and the disasters of the French during that memorable campaign were entirely owing, not only to the prayers of their great rabbi, but also to the advice he had given the Emperor Alexander how to conduct the war. He died at the close of 1812 at Hadiach, a town situated in the government of Pultawa ; and his admirers built a house over his grave, on which a lamp is kept constantly burning. Many Chassidim resort from the most distant parts to pray at his tomb, and to depose on it written petitions addressed to the deceased from themselves or from their friends, firmly believing that their memorials will be attended to if they deserve it.

The number of the Chassidim has prodigiously increased since the beginning of the present century in the ancient Polish provinces, but particularly in those which have fallen under the domination of Russia, so that in many smaller towns they form the whole Jewish population. It must however be remarked that many Jews call themselves Chassidim, display great pretensions to superior sanctity, make longer prayers, and observe stricter fasts than the generality of their brethren, and even jump and make strange contortions during their devotions ; but, with all this, loudly disclaim being considered as sectarians or separatists from the general body of their nation.

After having perhaps too long occupied our readers with the description of a people degraded by gross superstition and immorality, it is our pleasing task to introduce them to a class of Jews who redeem their national character ; we mean the Caraites, or scriptural Jews.

The origin of the Caraites has not yet been satisfactorily ascertained, notwithstanding the profound disquisitions of such eminent scholars as Joseph Scaliger, Trigland and others. Some writers consider the modern Caraites as the descendants of the ancient Scribes, who, attaching themselves to the literal text of the Scriptures, rejected traditions, which is exactly the case with the Caraites. Other authors have supposed them to be derived from the Sadducees; but we think this conjecture entirely groundless, as it is well known that the Sadducees rejected the immortality of the soul, whilst the Caraites believe in the resurrection of the dead, as well as in future rewards and punishments. Morinus thinks that the Caraites began to be known as a separate sect in the fifth century; but we are much inclined to think it unjust to call the Caraites a sect at all, and that they are the real primitive Jews, who strictly adhere to the Mosaic law, rejecting all the traditions which have sprung up in progress of time. We also think it idle to ascribe the origin of the Caraites to this or that epoch, as the doctrines they profess have existed since the time of Moses, and were probably preserved by some few pious Israelites, undefiled by the vain additions of the Pharisees, which prevailed throughout the great mass of the Jewish nation. The present Caraites stand in the same relation to the other Jews, as the Protestants towards the Roman Catholics; both of them rejecting tradition, and admitting no other authority than that of Scripture.

The Caraites are settled in two places in Poland, at Troki in Lithuania, about thirty English miles from Vilna, and at Luzk in Volhynia. They are chiefly engaged in agricultural pursuits; but many of them follow the profession of carriers, and some are engaged in trade. Their honesty is proverbial; their word is considered as good as a bond; and, during four centuries that they have been established in Poland, there has never been an instance of a Caraites having been tried for any offence whatever. They speak amongst themselves the Turkish language, having migrated to Poland from the Ottoman dominions*.

* Although entirely foreign to our subject, we cannot omit mentioning another religious community in Poland, equally well reputed for morality and honesty; we mean the Polish Mahometans, who form a population of upwards of 100,000 individuals. They are the descendants of a Tatar colony, which Vitold, grand duke

There are many of them in the Crimea, where they possess a separate town exclusively inhabited by them, of which our readers may find an interesting description in the lively pages of our celebrated traveller Dr. Clarke. Many Jews emigrate from Poland to Palestine, and settle there for life. They chiefly live in the town of Tiberias, and in a place called Safet, which is supposed to be the ancient Bethulia, rendered celebrated by the history of Judith and Holofernes. They are known by the name of *Ashkernazim*, and their language is the same corrupt German as is spoken in Poland; whilst that of the Levantine Jews, called *Sephardim*, is Spanish. The Polish Jews in Palestine are divided into Rabbanites and Chassidim. The celebrated missionary Wolf relates that the Spanish Jews, being more numerous than the Polish, affected a superiority over them, which the latter were by no means inclined to acknowledge. They complained of it to Wolf in the following words: "We spake to them (the Spanish Jews), saying, why are you so proud with your pride, and so haughty with your haughtiness? We ourselves are Jews, and glorious is our name, and our wisdom is spoken of in all the congregation of Israel. Cease therefore to protect us with your protection. We are sufficiently protected with the protection of the Emperor Alexander, to whom may God give increase of years, and exalt him with high exaltation." There is no-

of Lithuania, brought from the shores of the Black Sea 1390—1400, and settled in different parts of his dominions. A great number of them are also descendants of the adherents of Tacktamish, khan of the Golden or Kipchak horde; who being defeated by the celebrated Timur Leng, or Tamerlane, sought refuge in Lithuania towards the end of the fourteenth century. Many of them, who descend from the Uhlans and Mursas or Tatar nobles, were admitted into the ranks of the Polish nobility, and were adopted by many old families of the country, i.e. permitted to take their names and coats of arms. The Tatars have distinguished themselves by a constant fidelity to their adoptive country, which was particularly displayed in the wars against the Turks and Tatars of the Crimea, notwithstanding their common religion. The kings of Poland had always regiments composed of these Tatars, and it was a prevalent fashion amongst the Polish grandees to have an armed retinue composed of Mahometans. Many of them have attained the rank of general officers, and the name of General Bielak is well known for his valour and fidelity to his unfortunate country in the last days of its existence. The Polish Mahometans have entirely adopted the manners of the country, and gentlemen belonging to that persuasion differ from other persons of the same station in society only by their Turkish names, as for instance Achmet, Mustapha, Hassan, &c. They make use of the Koran, with a Polish interlineal translation; their Imams or clergymen have not the reputation of being very proficient scholars in the Mahometan law; and they generally follow, besides their sacred vocation, some other profession, particularly the military one; so that it frequently happens that the reverend Imam is at the same time a captain of lancers.

thing new in the superiority which the Spanish Jews affect over those of other countries; it is well known that even in our own country they used to look down with contempt on the German Jews; and a marriage between individuals belonging to these two branches of the nation was, some years ago, a thing unheard of. If the Polish Jews settled in Palestine availed themselves of the protection of the Emperor of Russia at the time of Wolf's visit to that country, in 1821-22, they may now use it to even greater advantage, as Russian influence in the East has prodigiously increased since that time. The same missionary relates that the rabbi of Alexandria in Egypt was a Polish Jew.

It remains for us only to say a few words about the Judeo-Christian sect of the Frankists, which has its principal seat in Poland. It was founded about the middle of the last century by a Jew called Jacob Frank, whom his countrymen generally represent as a follower of the celebrated imposter Sabathai Tzevi, who disturbed the Jewish world during the seventeenth century. There are indeed some striking analogies between these two founders of sects, and we will give our readers an outline of their history.

The year 1666 was considered by many superstitious people as the epoch when some wonderful event respecting the Jews was to take place. This belief was prevalent not only amongst the Jews themselves, but also amongst many Christians, who dreamed of having discovered this strange prediction in the Apocalypse. It generated many absurd rumours; as for instance that great multitudes were marching from unknown parts to the deserts of Arabia, and were supposed to be the ten tribes of Israel, who had been dispersed for many ages; that a ship had arrived somewhere in the north of Scotland, with ropes of silk and sails of the same material, bearing the inscription "The twelve tribes of Israel," and that the crew of the vessel spoke only Hebrew. Many similar accounts, circulated over Asia and Europe, excited the imagination of the credulous, and disposed their minds to receive an impostor; and it was not long before one appeared. This was the celebrated Sabathai Tzevi, a Jew born of mean parents at Smyrna. He early discovered a great taste for learning, and made distinguished proficiency in such kind of literature and science as

was taught amongst his nation. He began to preach in the streets and fields, even in the presence of the Turks, and succeeded in gaining a great number of disciples, by whom he was extravagantly admired. He studied the prophecies so assiduously, in order to support his imposture, that it was supposed his intellect had become deranged. He imagined, or pretended to do so, that he could ascend above the clouds; and he reproached his disciples with their blindness, because they would not acknowledge to have seen him in the air. He also pretended to perform other miracles in the name of Jehovah. These extravagances were strongly condemned by the elders of his nation, and he was obliged to leave his native town; he then went to Salonica, where the Jews being numerous he expected to make a great number of proselytes; but being expelled thence, as well as from Athens and several other towns of European Turkey, he retired to Alexandria, where he met with better success and acquired great celebrity. He afterwards travelled to many places, preaching repentance and faith in himself with such effect that many Jews gave up business and applied themselves wholly to devotional practices. In order to render his imposture more plausible, and his character more agreeable to the predictions of the prophets, Sabathai thought it necessary for him to be ushered by a precursor. He chose for this purpose a Jew of great reputation at Gaza, named Nathan Levi, whom he easily persuaded to act this part. The time was particularly favourable for giving éclat to his imposture, because, according to the cabalistic interpretation of Daniel, the Messiah was to appear precisely about this period. Sabathai and his precursor travelled to Jerusalem. Levi upon his arrival assembled the Jews, and proclaimed the abolition of the fast which was soon to be celebrated, upon the ground that mourning was improper at the joyful period of the Messiah's appearance. He then declared that the long-expected deliverer was no other than Sabathai Tzevi, and specified the time of the destruction of the Ottoman empire, and the restoration of the Jewish kingdom. Many Jews believed these impostures; but the more sensible of them gave them no credit, and obliged the adventurers to leave Jerusalem.

Sabathai went to Smyrna, and thence to Constantinople;

but the Jews of the latter city had previously received letters from twenty-five rabbis who had excommunicated him, declaring that "whoever should kill that impious wretch would render an acceptable service to God and save many souls." This induced Tzevi to return to Smyrna, where he received four ambassadors sent by his precursor to acknowledge him as the true Messiah. This stratagem greatly increased the number of his adherents, and even induced many learned rabbis to join him. The multitude, deceived by his affected humility, frequent ablutions, diligent attendance at the synagogues, and more especially by his pathetic sermons, acknowledged him as their Messiah and king, and brought him magnificent presents to support his dignity.

In the mean time Levi strenuously exerted himself in different parts to persuade his nation that Sabathai Tzevi was their long-expected deliverer. He asserted that after having been concealed during nine months he would appear in glory, mounted on a celestial lion; and that a splendid temple would descend from heaven, in which sacrifices were continually to be offered. He addressed letters from Damascus to Tzevi thus: "To the king, our king, lord of lords, who redeems our captivity, the man elevated to the height of all sublimity, the Messiah of the God of Jacob, the celestial lion, Sabathai Tzevi."

We have already mentioned the belief which prevailed at this time amongst the Jews, that their deliverance was at hand. This expectation was particularly entertained by those living in the Turkish dominions: they generally led a life of devotion and penitence, prayed, fasted and inflicted severe penances upon themselves. Business was neglected, superfluities sold, and immense sums expended in alms.

The Jewish doctors at Smyrna convoked a consultation to deliberate upon the growing importance of Sabathai Tzevi. The most judicious of them, not finding in him the character of the Messiah, proclaimed him to be an impostor, deserving the punishment of death. But his party being the most numerous, he caused them to assemble in the great synagogue of that city, celebrated a new feast and altered the Jewish liturgy. His audience acknowledged his authority, and imagined that they beheld something divine in his person. Yet

notwithstanding his great popularity he was afraid of the chief rabbis of Smyrna, and put himself under the protection of the Cadi, who was gained over by his friends.

Among other acts of madness or daring he ordered his disciples to erect a throne for himself and his wife, a Polish Jewess, and from it he addressed his followers, as a king to his subjects. He composed a new summary of doctrine, which the people were commanded to receive with implicit faith as coming from their Messiah, and some who dared to oppose it were obliged to fly. Many who had hitherto been incredulous now professed to believe in him. Having attained this height of authority, he ordered the Jews, who were in the habit of praying for the Sultan, to erase his name from the liturgy and substitute his own. He styled himself "King of the kings of Israel," and a brother of his named Joseph "King of the kings of Judah;" he also nominated princes to govern the Jews on their march to Palestine, and to administer justice after they had recovered their ancient country. At last he declared that he was called by God to visit Constantinople in order to perform there a great work, and he proceeded to that city. This circumstance seems to prove that there was some insanity mixed up with his imposture, for it was complete madness to set up against the Sultan in his own capital. The Vizier Coprougli, being informed of his arrival, ordered him to be apprehended and confined in prison. This event instead of discouraging the Jews rather strengthened their faith, for they recollected the prediction of Levi that the Messiah was to be concealed nine months, and were convinced that it was impossible to put him to death. Sabathai was treated with great mildness, and the Vizier permitted the Jews to visit in prison their supposed Messiah, to whom they paid a kind of worship. The Jews of Constantinople, persuaded of their approaching deliverance, abandoned commerce and refused to pay their debts. Some English merchants, unable to recover from the Jews what was owing to them, addressed themselves for redress to Sabathai Tzevi, who wrote to his subjects in the following manner: "To you of the nation of the Jews, who expect the appearance of the Messiah and the salvation of Israel, peace without end. Whereas

“ we are informed that you are indebted to several of the English nation ; it seemeth right unto us to order you to make satisfaction for your just debts, which if you refuse to do, be it known that you are not to enter with us into our joys and dominions.” The injunction had the desired effect.

After two months of confinement Sabathai was removed to the Dardanelles. This the Jews supposed to be a new miracle, and were confirmed in the opinion that the Sultan had not the power of putting him to death. Having bribed the governor, great numbers repaired to the castle where he was confined, not only from the neighbouring places, but from Poland, Germany, Italy and other parts. Even the Portuguese Jews of Amsterdam, considered as more enlightened than the rest of their nation, did not escape the general infection of credulity, and they composed a form of prayer to be used by those who went to visit the pretended Messiah. They brought rich presents to the impostor, and received in return his blessings and promises of advancement. He commanded the Jews to celebrate his birthday with every mark of rejoicing, and abolished the fast which the Jews are accustomed to observe in commemoration of the destruction of the Temple, and which coincided with that day. He despatched messengers to proclaim him as the Messiah in various parts, and to publish his pretended miracles.

Amongst the crowds that flocked from every quarter round Sabathai came also a Polish Jew called Nehemiah Cohen, a man of great learning in the cabala and the oriental languages. It is said that in his conference with the impostor he broached the opinion, that according to the Scriptures there ought to be two Messiahs; one the son of Ephraim, a poor and despised teacher of the law, the other the son of David and a mighty conqueror. Nehemiah was contented to be the former, and to leave the dignity and glory of the latter part to Sabathai. But he accused him of too great forwardness and presumption, in assuming the character of the son of David previously to the appearance of the son of Ephraim. Sabathai, exasperated at this reproof, excluded Nehemiah from any share in his proceedings; upon which the latter accused him before the Turkish authorities as a

dangerous person who sought to subvert the Turkish empire. The Sultan summoned Sabathai to his presence, and proposed to him the alternative either of proving his divine mission by standing as a mark to his archers, who could do him no harm in case he was the real Messiah, or of embracing Mahometanism. The imposter chose the latter proposal, and the news of his having become a Mahometan filled his deluded followers with consternation, grief and shame, and exposed them to the insulting taunts of their adversaries.

Sabathai spent the remainder of his days at the Turkish court, and became a zealous and learned Mahometan under the tuition of one of the chief Mullahs, to whom he showed himself a very docile pupil. Still however, he continued to profess himself the deliverer of the Jews; but being extremely cautious to avoid giving offence to the Turks, he declared "that unless his brethren would imitate his example in renouncing the imperfect elements of the Mosaic law, he never should be able to prevail with God to restore them to the holy land." This induced many Jews from Bagdad, Jerusalem and other remote parts to repair to Constantinople, and voluntarily to profess themselves converts to the Mahometan religion. By these means Sabathai ingratiated himself with the Turks, and retained his influence over large numbers of his infatuated nation. He died in 1676.

The Mahometano-Jewish sect formed by this imposter is still in existence, and numbers of them live at Salonica. They outwardly profess Mahometanism, but secretly observe the Judaic rites, marry amongst themselves, and live in the same quarter of the city, without communicating with the Mussulmans, except for the purpose of commerce and in the mosques. They never enter the synagogues, nor make known their schism from the dominant religion.

Jacob Frank, to whom we have alluded, was born somewhere in Wallachia in 1728; his biography previous to his arrival to Poland is very imperfectly known; it is however believed that he conformed for some time to the Mahometan rite in Turkey. He appeared in the Polish province of Podolia about 1757-58, and began to preach against the Talmud, which brought upon him and his adherents a violent persecution from the orthodox Jews. The number of Frank's

disciples having increased, and the persecution against them having raised some disturbances, the authorities interfered. The Jews accused them of preaching infidelity, whilst the Frankists pretended that their object was to reform the corrupt doctrines of the Talmud. The affair was finally reported to the tribunal of the Roman Catholic archbishop of Lemberg*. The ecclesiastical court submitted the contending parties to a strange trial. It ordered that they should hold a public disputation on the respective merits of their religions, and that the party which should be compelled to acknowledge itself beaten in argument should embrace Christianity. The parties accepted the proposal, and after a long discussion Frank and his adherents confessed their defeat, and their readiness to become Christians. Some of the first personages of the country stood sponsors at the baptism of Frank and his followers, who were loaded with presents and every kind of favour. The example of Frank was imitated by a great number of Jews who adhered to his doctrines, and continued to pay him attentions bordering on a kind of worship. From Lemberg he now removed to Warsaw, whither he was followed by his converted partisans, whose number continually increased. Some time after his arrival in the Polish metropolis, it was rumoured that he held frequent meetings of his ancient disciples, whom he entertained with the most fantastical and visionary ideas. He was cited before an ecclesiastical court, and being examined he deposed that our Saviour and the prophet Elias had appeared to him previously to his arrival in Poland at Smyrna and Salonica, endowing him with a mission to convert the Jews; that he continued to have similar apparitions, which confirmed him in his vocation; but that, if the ecclesiastical authority should condemn these proceedings, he would submit to its decision in everything, as became a dutiful son of the Church. The ecclesiastical court absolved Frank from any bad intentions; but being afraid of his influence, it confined him in 1760 to the fortress of Czentochowa, where he remained until the Russians, having taken that fortress in 1769, released him. He retired thence into Austria, where

* The town of Lvov, or Lemberg, now the capital of Austrian Poland, presents a rare instance of one place being the seat of three archbishops, viz. a Roman Catholic, United Greek, and an Armenian one.

the empress Maria Theresa, expecting that he would become instrumental in the conversion of the Jews, granted him her patronage. He resided some time at Brunn in Moravia, and at Vienna, but finally settled at Offenbach in the vicinity of Frankfort on the Maine. There he lived in great splendour, affecting the royal dignity, and having a numerous court, chamberlains, pages, &c. composed of his disciples. He was supported by rich contributions, sent particularly from Poland. He died in 1792, and was buried according to the rites of the Roman Catholic church, and a cross is erected on his grave. His daughter is said to have continued for some time to preside over the sect; but its present chief is supposed to be in Poland; and an eminent lawyer at Warsaw, who had been educated at the court of Frank, is designated by public opinion, whether justly or unjustly we are unable to say, as the present head of the Frankists.

The real tenets of the Frankists have never been ascertained; but the general opinion is that, as the followers of Sabathai Tzevi profess the Jewish religion under the outward mask of Mahometanism, so do the Frankists under the cover of Christianity. It is said that Frank himself taught that Elias was in this world as well as the Messiah, and that he appointed twelve disciples, to whom he gave the name of apostles, to propagate his doctrines. He never himself claimed to be the Messiah, but did not contradict those who addressed him as such. He pretended that he was sent to unite all religions, and therefore he blended Christianity with Judaism; but he rejected the absurdities of the Talmud in the most decided manner. The Frankists are chiefly found in the north of Europe, but particularly in Poland. They disclaim the charge of sectarianism, and pretend to belong to the Roman Catholic community; but the investigations which are said to have been made at Warsaw by the Prussian government and that of the Grand Duchy of Warsaw, and the disclosures of one of them made under the Russian régime, which were hushed up through the influence of the sect, leave no doubt of its existence. It is however impossible to know whether they merely retain the pure Mosaic doctrines, divested from many obligations of the ceremonial law which their outward conformance to the Christian religion renders impossible to observe, or whether they pro-

less peculiar tenets*. We have already said that they entirely reject the Talmud, and indeed the orthodox Jews are by no means friendly to them. Their community is strongly united, and they promote by their united means the interests of each member. They are generally a well-informed set of people, and many of them have risen to eminence in the law, as well as in scientific and literary pursuits. Some of them have entered the military service, and there are instances of their having attained the rank of general officers. The universal outcry against the Frankists is, that they are of a very plotting and interested character; but the cause of their being generally unpopular, with Christians as well as with Jews, may be ascribed to their *esprit de corps*, which induces them always to promote the interests of a member of their community against those who do not belong to it. It is however but fair to state that many persons generally considered as belonging to the sect bear a very honourable character, and that some of them behaved in a noble and patriotic manner during the last struggle of the Poles to recover their liberty and national independence.

* There is nothing new in the outward profession of Christianity by Jews: it is well known that in Portugal and Spain such dissimulation was very successfully practised by them. According to the evidence of the celebrated Orobio, a Spanish Jew, who had himself long feigned Christianity before he left his country and settled in Holland, in order to profess freely the religion of his fathers, many Jews were such consummate dissemblers that they rose to preferment in the Roman Catholic church. The same author relates that Dominicans, Franciscans and Jesuits came constantly from Spain to the Grand Synagogue of Amsterdam, in order to confess and expiate their dissimulation. It is even said that a Jew exercised for a long time the functions of the Grand Inquisitor of Portugal, and confessed only on his death-bed his true religious opinions. As far as regards the Frankists we are much inclined to think that many of them become quite indifferent about their secret tenets, but do not abandon the community on account of the advantages they derive from the cooperation of the whole body whenever the interests of any of its members require it.

ARTICLE IV.

1. *Sämmtliche Schriften von* (Collected Writings of) A. von TROMLITZ, 36 vols. 8vo : Dresden and Leipzig, 1834.
2. *Sagen und Romantische Erzählungen, von* (Legends and Romantic Tales, by) L. RELLSTAB, 4 vols.
3. *Picciola, par* M. DE SAINTINE.

So many and so important have been the changes and alterations in manners, opinions and character exhibited by the several European nations within the last half century, that those occurring in the lighter departments of literature have perhaps scarcely attracted the notice of the public at large. But to persons accustomed, like ourselves, habitually to contemplate literature in its relation to the social and political condition of the people amongst whom it is cultivated, those changes have offered a vast supply of interesting topics for speculation ; few of which are perhaps more remarkable than the revolutions which have, almost simultaneously though quite oppositely, taken place during this period in the tone and tenor of works of imagination in France and Germany.

Prior to the French Revolution the reading public of the former country delighted in moral tales,—taking this designation in the sense in which it is employed by Marmontel ; as meaning, not didactic apologies, or tales devised (like many of Miss Edgeworth's and Mrs. Opie's) for the express purpose of enforcing some moral lesson, of impressively illustrating the ill consequences of some gross vice, or even of some small fault, but portraiture of the existing state of morals, or, we should rather say, of those minor morals included in the French word *mœurs*, and which might be more appropriately rendered in English by *manners*,—tales containing little story, less passion, no delineation of peculiar or individual character, though much description of classes of society, and a profession of refined sentimentality.

At the period alluded to Germany could scarcely be said to possess a literature of her own ; although Lessing, Göthe and Wieland were then brooding over—may we say—the eggs laid, or in process of being laid, by Teutonic genius. But when

these eggs were hatched, portentous was the birth, portentous the influence of that birth upon the literary genius, the literary taste of Europe,—yet not other perhaps than might have been anticipated from a new literature, born or created at a moment of great political excitement and in an advanced state of society. We here find the extravagant incident of early barbarian fiction conjoined with the hurricane of passion, the exaggerated sentiment and caricatured character requisite to arouse the somewhat apathetic sensibilities of an age professing (whether justly or not) polish and refinement; all these elements being blended and wrought into a whole by powerful talent, occasionally rising to genius, although unfortunately uncontrolled, uncorrected by the chastening hand of pure taste and sound judgement. We should premise that none of these remarks apply to Wieland, whom, as a German author of the close of the last and beginning of the present century, we regard as an exception to all rule, a sort of *lusus naturæ*. He was a mere, and we believe then at least a solitary, German disciple and imitator of Voltaire.

Of the truly German Germans Göthe first published the Sorrows of Werther; and whilst classical taste, both in France and England, still smiled incredulously at a Teutonic *bel-esprit*, suicide, both in fiction and in real life, became the fashion in Germany. Next Schiller produced his Robbers, the representation of which sent the well-born and well-educated youth of a German university upon the highways, there to emulate the exploits and heroic virtues of his captain of banditti; and this moreover at a time when the spirit of *Burschenschaft** and its magnanimous disdain for *Philister* and *Philisterei* as yet were not. If the frail specimens of female excellence which followed did not, in like manner, send all the school-girls into the streets, little doubt can exist of their having lessened that salutary if somewhat prudish horror of a fallen sister, which once provoked from a witty courtesan the taunting remark, “Never fear, Ma’am, it is not catching,” and thus weakened at least one of the outworks of chastity. In consequence of this unfortunate idiosyncrasy of German heroines,

* *Burschenschaft* and *Philisterei* are slang terms of the German universities, to express the temper, the *esprit de corps*, of the collegiate youth, and their contempt for all that is commonplace, meaning all that is not collegiate.

we remember the time when, in this country, German literature and even the German language were nearly as much interdicted studies to young ladies as Greek and Latin.

Whatever influence the political excitement of the French Revolution may be supposed to have exercised upon the early education, the formation and development of the character of the German muse, no doubt can, we apprehend, exist as to its effect in inducing French adoption, imitation, exaggeration, as the reader pleases, of her unbridled passion and enthusiasm. The mere words French Revolution (not meaning thereby the July days) suffice to call up in the minds of all who remember the times of terror, of all who have listened while their fathers spoke of those times, the very *beau ideal* of political frenzy; and that, whether they, fathers, children, reminiscents or hearers, be absolutists shuddering and turning pale at the very mention of popular encroachment, or the veriest radical *sans-culotte* Jacobins, viewing wholesale execution as simply a necessary step in the march of improvement, the progress of human perfectibility,—a view which some modern French philosophic historians seem disposed to adopt. Minds glutted and intoxicated with such political excitement as the minds of the French public then were, naturally turned from the simple intellectual viands that had delighted their forefathers as insipid. They required incessantly renewed stimulants; the authors who were to cater for these morbid vitiated appetites, and whose pecuniary means of existence depended upon their gratifying them, looked anxiously around in search of new resources. For a while the unbridled libertinism and the gay indecency and immorality which, amidst a nation of whom levity is a distinctive characteristic, followed upon the overthrow of old laws and old prejudices, answered the purpose. But ere long these palled upon the palate; yet stronger stimulants were required, and they were sought and found in the wild passion and as wild horrors of the German school. These French fiction appropriated and exaggerated; partly because French vanity aims at appropriating by exaggerating; partly because even as habit can render brandy less effective to intoxication, so does the intellectual temperament by the habitual use of strong stimulants become less and less sensible to excitement, requiring stronger and stronger doses,

till at length the once sportive genius of France revelled amidst the ultra-horrors, atrocities and profligacy of the *Ottar Guls*, *Han d'Islandes*, *Histoires des Treize*, *Peaux de Chagrin*, and all the other talented, powerful but revolting caricatures of Sue, Victor Hugo and Balzac, to say nothing of the numberless inferior writers of their school.

Meanwhile in Germany a revolution in a directly contrary sense was taking place, the causes of which being less apparent, less upon the surface of events, we might be perplexed to explain, had we not long known that in metaphysics as in physics the re-action is ever proportionate to the action. From this law it might have been *a priori* deduced as a certain corollary that a philosophic calmness must ere long become the distinctive characteristic of the once impetuous imagination of Germany.

Accordingly, whilst we, in England, knew of German literature only the Robbers, the Sorrows of Werther and the affecting, wild but unpoetical because unidealized drama of Kotzebue, Schiller himself had learned to condemn the production of his youth and to lament its popularity. He had, since writing it, meditated deeply upon æsthetics, as the Germans denominate the philosophy of taste and the fine arts, and had convinced himself that the gratification of the imagination, or more correctly speaking, intellectual pleasure, being the especial object of those arts, they ought never to act painfully or even strongly upon human sensibility; and, that when they do so, they misuse their power to the falsification of their mission. He held these notions to be more peculiarly applicable to his own art, tragedy, the nature of which he conceived to be analogous to the plastic stillness of sculpture, rather than to the graphic vividness of painting. The production of this plastic mental tranquillity he considered as the main use of the lyric chorus of the ancients; and with their chorus he adopted, as an essential element of tragedy, their fate, that blind, irresistible destiny, supreme over gods and men, that plunged the virtuous Œdipus in unavoidable guilt. Subduing his potent and creative imagination to these æsthetic principles, he produced the *Bride of Messina*, a tragedy teeming with poetic beauty, but in which he certainly has contrived to make two brothers kill one another for love of their sister under, the eyes

of their mother, without in the slightest degree deviating from the due plastic tranquillity, or disturbing the reader's mind with any distressfully agitating sympathy.

Schiller's opinions were adopted; the calm and plastic nature of Melpomene was acknowledged by all her German votaries, and the Bride of Messina, *minus* the somewhat unmanageable chorus, became, as the Robbers had been, the model. The school of destiny-tragedies (*Schicksal-Tragödien*) now arose and prevailed.

In tragedies conceived and executed according to the theory and practice of this highly æsthetic school, the most horrible calamities are suffered, the most atrocious crimes are perpetrated, but all æsthetically, without the slightest misuse of the tragic poet's powers, without the slightest oblivion or falsification of the received object of tragedy as one of the fine arts. And this not by deficiency of passion or feeling, not by coldness or tameness, but by rendering the idea of an overruling irresistible destiny so prominent as to leave no room for the uncertainty and consequent breathless anxiety which, in deeply affecting tragedies, excite and sometimes harass the sensibility of the reader or spectator. We see from the very opening what must happen, and make up our mind to bear it, as we do in real life what is manifestly inevitable. Hence the emotion awakened (we should say produced,—awakened is too lively a word, and we fear wholly unæsthetic) is a sense of awe so deep as almost to supersede compassion for the victims; and although no partisans of the Destiny-Tragedy, we must confess that this emotion is by no means untragic, unpoetical or unpleasing.

An example will perhaps render our views clearer to the reader; and one well adapted to our purpose at this moment occurs to us, in the contrast offered by a simple, somewhat common-place English tragedy and a German destiny-tragedy, in which the catastrophe, if not the conduct of the story, are identical. We mean Lillo's *Fatal Curiosity*, and Werner's *Vier-und-zwanzigste Februar* (the Twenty-fourth of February), in both of which an unrecognised son is assassinated by his tenderly attached parents. One might almost fancy that the *Fatal Curiosity* had been written in order, prospectively, to corroborate Schiller's theory, so unpoetic, so disagreeably pain-

ful, so contrary also, in our opinion, to the essence of tragedy is the sympathy it excites. For we ourselves in so far agree with the German æsthetic philosopher and poet, as to think it not the office of tragedy, of poetry, or any of the fine arts, to awaken sympathy unmitigatedly painful; to place before us in plain straight-forward guise the every-day homely calamities that may not unlikely befall ourselves, our children or our friends; or crimes such as, at the instigation of poverty, we or they might by unfortunate possibility be tempted or betrayed into committing. What we look for in the drama or the epopœa is, by exalting, enhancing, idealizing the calamities, the crimes, the passions, even the follies of man, in short by flinging over them the æthereally fiery veil of poesy, to relieve them of their downright, offensive painfulness, and form the whole into a work of art; the pain inflicted by which is soothing and pleasing. For the moral office which we hold to be assigned to poetry is, by ennobling and elevating human feelings and sentiments, to purify the mind, softening and refining it by the cultivation of a taste for intellectual enjoyments.

But to return to the *Fatal Curiosity* and the Twenty-fourth of February. In the former we see the angry impatience provoked by the distresses, privations and humiliations of poverty, giving terrible power to the temptation presented by the wealth of the sleeping stranger; we see these evil passions contending with good and honourable principles. We tremble for the result, but do not despair of the triumph of virtue; we hope too, even while we know that the realization of such hope would make the tragedy no tragedy, that the son's bride may arrive in time, and that the discovery that the intended victim whose murder they are meditating is their son may be made by the wretched parents ere it be too late; and all this thrilling breathless anxiety, this vacillation between hope and fear, prepares us to sympathize the more keenly with the agony of the gay, exulting, suddenly-bereaved bride, with the horror-steeped remorse of the guilty parents who have murdered what was dearest to them upon earth. All this is properly and highly tragic. What we censure in the *Fatal Curiosity* is the prosaic, homely character of the distress, of the temptation, of the personages; and the total absence of poetic elevation and

colouring, which by idealizing softens the pain of real sympathy into that pleasurable melancholy emotion which the fine arts ought to excite.

The effect of the Twenty-fourth of February upon the mind is totally different from what has just been described. We feel no doubt, no anxiety, therefore no breathless interest; we know from the first that upon this fated day the unfortunate race before us is doomed to commit a dreadful crime; we feel no abhorrence for criminals, the victims of a relentless destiny; but neither can we be said truly to sympathize with beings so far removed out of the ordinary sphere of humanity. Nevertheless cold or unimpressive the tragedy is not. The deep sense of awe with which we contemplate the doomed family, and behold the gradual progress towards the perpetration of inevitable crime; the horror with which we anticipate its enormity, when we see the unknown son beneath his parents' roof upon the fated day, with which we watch the gradual approach of the catastrophe; these are emotions the tragic muse might be content to produce, however inferior in intensity to the thrilling interest and sympathy wont to throb in our hearts and speak in our tears at the representation of an English tragedy.

But the drama, however germane to the matter, is not the subject which we took up the pen to discuss, and to that we turn. The German novel followed in the wake of the German drama. When the drama was extravagant and soul-harrowing, so was the novel, or romance rather, for romance was the prevalent style of fiction of the day, some of La Fontaine's pathetic and somewhat homely tales excepted. When tragedy assumed her new and tranquil plastic character, prose fiction feared, it should seem, to disturb the serene calmness diffused by the laws of æsthetics over and through the nervous sensibilities of the educated public. Romance and excessive pathos were simultaneously banished from the drawing-room and the boudoir, and their places supplied by the similarly tranquil, though we scarcely believe plastic, philosophic novel, critical novel, artist novel, historic novel, &c. Let not the reader start at finding in this anodyne catalogue the last-named title, under which he is accustomed to expect a blending of powerfully interesting private adventures with as interesting portion of history, a *Kenilworth* or an *Old Mortality*, or, to descend to

later times, a Richelieu that chains him to the magic page, until with a sigh of mingled relief, delight and regret, he closes the last volume. Not such the modern German historic novel. In this the portion of history selected for development is the principal object. A beautiful and tender damsel may indeed be superadded, but is not made so prominent as to take a strong hold of our feelings; and her love may be termed, as well as herself, episodical,—the talent, the study, the labour of the novelist being all devoted to the portraiture of the times, to the illustration of their influence in the formation of the character of his chief historic personages, and to the presenting those characters in bold relief. A. von Tromlitz is perhaps the best and most popular novelist of this class; and from his thirty-six volumes (or we should say forty-four, there being a second collection of eight volumes that we have not seen,) we will take a sample of this species of historic pseudo-novel: a few sentences will suffice to show its nature.

Die Pappenheimer is one of his earliest, and in our opinion best productions; being a portraiture of the state of Germany during one of the most disturbed and most striking periods of its modern existence, namely the thirty years' war; when men's minds were powerfully excited by religious controversy; when something of the feudal and chivalrous past lingered and mingled, not blended, with the political, commercial and intellectual revolutions which gave birth to a later and more utilitarian system; while the whole frame of society was shaken by thirty years of civil war, and the change wrought in the military spirit and profession by these events, and by the yet recent introduction of considerable standing armies, if it produced some high-minded soldiers, seemed for the most part to have perverted that profession into a trade, which hardened the heart and unhumanized the character of most of those who engaged in it.

The object of the novel is the counterfeit presentment of one of the most distinguished leaders on the Catholic side, who, although the general of the Elector of Bavaria, and not even his general-in-chief, had so completely raised and formed his own army, was in fact so much his own master, at least towards the close of his career, that he more resembled an Italian *condottiere* of the middle ages than a modern subject

general; we speak of Count Pappenheim. We could wish that Tromlitz had enabled us to trace the gradual hardening of this really extraordinary man by giving us some scenes of his earlier years, at least of the earlier years of the war. This he has not done, but he presents him to us first at the height of his triumphant career, believing himself a chosen instrument of heaven for the maintenance of the catholic church, and subsequently renouncing bigotry and pretty nearly faith together in his mortification at the lost battle of Leipzig. Sketches of many other warriors of the day, some of high celebrity and some of inferior grades, as also of the crimes, the horrors and the misery of the protracted civil and religious war, fill up the picture. The fragment of romance superadded consists chiefly of the love, the anger and the sorrows of Anna, an enthusiastic country damsel, who, though a Lutheran and a Saxon, has been captivated by the fame of Pappenheim; is constrained by that profligate leader to purchase her father's safety at the price of her own honour; and after an attempt to revenge her shame and her desertion, which fails only because her love proves too strong for her vindictive feelings, goes on loving her betrayer, and resisting every attempt at renewed seduction, till she touches even his rough heart, and he dies repenting of his sins against her.

We must select a specimen or two of Tromlitz's style of character painting, taking Tilly and Pappenheim for the subjects. For this purpose we shall make use of a scene during the sacking of Magdeburg, and two immediately preceding and following the Leipzig defeat. As a preface to them we must also give the author's picture of his hero. After describing the train of attendants, including cooks, scullions and a fool, with which Pappenheim has taken up his quarters in an official country-house belonging to the Magdeburg Chapter, he thus proceeds:

"Pappenheim had a secret object in feasting the colonels of the different regiments prior to Tilly's arrival. Nature had endowed him with the gift of winning hearts; his piercing and lively intellect, his understanding enriched with knowledge, then esteemed various and great, his frank kindness of manner, had gained him the affection of the army; his wild, unchecked, unequalled temerity, that drove him into the thickest of the enemy's ranks, commanded their admiration. The unbridled licence in which he indulged his troops in their quarters made him their idol. The officers

who followed the banner of Wallenstein, submitting to his inexorable strictness, bowing before his immoderate pride, did so in the hope of lavish rewards ; those who obeyed the call of Tilly were attracted by the path of conquest, along which that cautious general, crowned by thirty victories, led his troops ; but it was the pure impulse of the soldier's heart that lead them to the ' Man of Fortune,' who knew neither fear nor danger, and always preferred the most hazardous enterprize : Wallenstein acted for himself alone, Tilly for his master and the Jesuits, Pappenheim for fame and catholicism. * * *

" In one point only were Tilly and Pappenheim similar, namely their disinterestedness. Tilly drained Germany for Maximilian of Bavaria, Pappenheim extorted all that was attainable for his soldiers (called the Pappenheimers) ; neither took anything for himself."

Proceed we now to Magdeburg, which is everywhere in flames, while the Pappenheimers who stormed it are perpetrating every horror, still unhappily but too common in towns taken by storm, and some of which Pappenheim has vainly endeavoured to check. Hohendorf, a young and deservedly favourite officer of Pappenheim, who is riding beside him, says :

" ' The faith must be strong that deems this pleasing to God.'

" At these words Pappenheim raised his eyes and his sword towards heaven, as if to show the Almighty the blood adhering to it, and struck it violently into the sheath. * * * He found Tilly on his little grey horse surrounded by his officers. The countenance of the commander-in-chief expressed neither joy nor sorrow, he looked with indifference upon the burning city. As Pappenheim approached, he said to him with his peculiar smile, ' See, Grönsfeld was in the right : the fury of war has broken loose, and the Pappenheimers have lighted her torch. Check the flames if you can, Field Marshal. Well, this *auto da fé* was not kindled by my orders—before God, let him whose fault it is answer for it ; to his Imperial Majesty I will take the blame upon myself.'

" ' I come to wish you joy, Generalissimo,' said Pappenheim, fixing his ardent gaze upon the little old man, who looked quietly with a sneering smile at the flames, but who now turning courteously to him replied, ' I thank you for the conquest, Count Pappenheim, and shall report of you to the Emperor with the praises you deserve ; for assuredly but for you yon nest of heretics were not now burning. To his Electoral Highness you will spare me the trouble.'

" Count Luby, lieutenant-colonel of Tilly's own regiment, now galloped up, exclaiming, ' Lord General, there is no end of the murdering and burning ! Be merciful,—give orders to put a stop to these horrors !'

" ' That would require a higher hand than mine !' returned Tilly. ' Against the flames there is now no remedy, and nothing can restrain the madness of the soldiers. The attempt were vain ; it would but teach the wild, unbridled multitude their own strength ; and that we must avoid.

Besides it would rob me of the attachment of the army. God will not hold me accountable for cruelties that I neither ordered nor can prevent.'

"'But the world will condemn you,' observed the count. 'The catholic world will bless the capture of Magdeburg,' rejoined the general angrily, 'and the protestants have no curses left for me: they have exhausted their quiver. I stand clear with God, my conscience and my sovereign.'

"His confessor, a Munich Jesuit, now approached, and said, 'My good Lord, the cathedral and the convent of our Lady have hitherto, as if by miracle, escaped the flames—save the house of the Lord!'

"'And the thousands who have taken refuge there!' added Sulz.

"'That may be done,' rejoined Tilly. 'Count Sulz, take five hundred men of my regiment, and see to repress the flames there. Set guards before the doors, and let none, friend or foe, in or out.'

"Sulz galloped off. 'It is noon,' Tilly quietly continued: 'the Croats and Walloons are quick in these matters. Those doomed to death are by this time dead; besides, men soon grow tired of murdering when there is any plunder to be had. Let them plunder as long as they can find anything. Count Pappenheim, if you like to dine with me, we will ride together to Westerhausen.'

"Pappenheim excused himself; the generals parted, and the field-marshal rode back to Magdeburg. He met troops of wild soldiers laden with booty: some dragged along a prisoner, whose life had been spared in hopes of ransom; others hauled women of all ranks, maidens of all ages, to the camp. 'I could well nigh shut my eyes and stop my ears,' said Pappenheim; 'there is somewhat too much of atrocity here.'

Lest the reader should be of the same opinion we will now transport him to a burnt suburb of Leipzig, where, in the only house left standing, Count Tilly has assembled a council of war, consisting of the leaders of the imperial forces and of those of the Catholic league, at the head of which, it will be remembered, stood the Elector of Bavaria. The subject under deliberation is the propriety of giving, or avoiding to give, battle to the united Swedes and Saxons, whose approach Tilly announces, and thus proceeds:

"'They come to offer battle,—a battle that must decide whether Germany shall obey the Emperor her sovereign; or whether, in case of the worst, (which may a righteous God avert!) many successive victories will be requisite to reduce the rebellious princes to submission, drive this Swedish king, this bold defender of heresy, back across the Baltic to his land of frost and snow, and restore the light of the true faith over all the plains of Germany. Whichever way the dice fall, the next battle must be a decisive, a fateful one, fraught with blessings or curses for the empire and the catholic church. Therefore though the united armies of the emperor and the League which I have here assembled be such as might promise me victory, my opinion is to avoid an engagement until we are joined by the

twenty thousand men whom Altringer and Grönsfeld are bringing us. So reinforced we are sure of the most brilliant success.'

"Murmurs interrupted the commander-in-chief. His eye glared angrily upon Holk (a Pappenheimer), who during his last words had gone up to Isolani and some of the imperialist colonels. He paused, his fiery eye glanced round the circle; the murmurs ceased, and he resumed.

" * * * 'A battle lost at this crisis must overthrow the edifice of religion so magnificently reared; and then the seditious spirit, never wholly subdued in the heretical princes and nations, upraises its head anew.'

"Holk's countenance expressed his annoyance at these words. Tilly interrupted himself, walked up to him, and said calmly but firmly, 'Major General, you do not appear to be of my opinion.'

" 'General,' returned Holk, his native frankness unawed by Tilly's gravity; 'I thank you for giving a soldier an opportunity of delivering an opinion which military subordination might have obliged him to keep to himself. What has religion to do with the coming battle? What indeed with the war? Think you the Emperor fights for his creed? The subjugation of Germany is the goal towards which we, bleeding from so many wounds, let ourselves be driven like idiots.'

" 'Major-General Holk,' said Tilly, almost losing his equanimity, 'forget not where, and to whom you speak.'

" 'You challenged me to speak, Count Tilly,' rejoined Holk, 'or I had remained silent; I will now only say that I, and many brave warriors here, are what you are pleased to call heretics. If you want our arms, spare our faith!'

* * * * *

"Pappenheim now stepped forward; majestic he stood amidst the band of heroes, dignity and energy beaming in his countenance, in his carriage an unwonted tranquillity. * * * He said: 'Generalissimo, since the conquest of Magdeburg, now four months old, we have marched to and fro, ungraced by any deed of arms. The victorious armies of the Emperor and the League have disappointed the expectations of Europe; and whilst the troops of this king opposed to us have been gaining fame, provinces, cities, confidence in their commander, we—have lost our confidence in ourselves. * * * Woe to the soldier who only begins the game for life and honour when he is certain of success! Fortune will fly him who trusts to her, not to himself.' * * * With fiery glance, like the god of war, he stood forward, exclaiming, with his hand on his sword, 'I vote for battle tomorrow! Boldness becometh the strong man, timid caution sometimes the laurel-crowned hoary head.' He bowed respectfully to Tilly, and added, 'Trust to our courage, Lord General, as we will trust to your dispositions, your judgement.'

"As though struck by an electric shock, the grey-haired hero raised his head, greater and more dignified than ever, and confronted Pappenheim. 'Courage!' he exclaimed; 'courage, Count Pappenheim! The hand that has borne the truncheon for more than twenty years trembles not yet. * * * Death in the saddle! is my daily prayer to God. * * * Tomorrow be the battle!'

"Swords rattled, tumultuous pleasure agitated the grave circle, the friend pressed his friend's hand, the comrade his comrade's. 'Tomorrow the battle!' resounded from a hundred voices. 'This joyous exultation,' said Pappenheim, 'is the guarantee of our victory, of death to the Swedes. Be their death our watchword!' As he spoke his eye fell upon the window that looked towards the charnel-house. A heap of skulls grinned at him; startled he turned to the other side, and over the door saw the representation of a skeleton with a scythe and hourglass. 'Where are we?' he asked in an altered tone.

"'In the gravedigger's house!' replied Colonel Bongard; 'I like not the omen, and believe for my part that the old mower beckons us.'

"The veteran cuirassier's words impressed the assembly. Isolani crossed himself; Pappenheim looked gloomily at the charnel-house; Tilly himself with difficulty maintained his composure; only Holk smiled."

The omen is verified. The battle of Leipzig, after a long, arduous and bloody contest, ends in a complete rout. The Pappenheimers fight desperately, are fearfully reduced in numbers, and at length one division of Pappenheimer cuirassiers fly. When all is lost a small troop forces our field-marshal from the field. The wounded Tilly is borne into Halberstadt, escorted only by six hundred infantry and a few horse; Pappenheim, also wounded, comes in later.

"Tilly embraced Pappenheim with unusual cordiality. Misfortune had for the moment drawn them towards each other, but the defeat of Leipzig had not effaced their original jealousy. 'Welcome, Field Marshal!' said Tilly; 'I rejoice to see you again: do you come alone?'

"'Pretty nearly,' returned Pappenheim; 'including Holk, who joined me at Quedlinburg, I bring you about 1500 horse and 1800 foot.'

"'Just God!' exclaimed Tilly forgetting himself, 'this then is all that remains of so mighty a host! This is all with which to defend the Emperor my master, and the princes of the League!'

"'If you find not resources within yourself,' Pappenheim in evident annoyance interrupted him, 'then indeed we are in a bad way.'

"'Ay!' retorted the old man, 'had I obeyed the voice within myself at the Leipzig gravedigger's, we two should not now stand here defeated and fugitives. But no reproaches: you fought chivalrously, strove manfully for victory; and I thank you, Count Pappenheim. * * * It was the will of God, and His will be done! I wield His sword, yet victory was not given me.'

"'Count Tilly,' said Pappenheim with gloomy gravity, whilst his countenance expressed a mixture of defiance and despair, 'since that decisive day I have deemed the belief, which I shared with you, that we wielded the sword of God, a mere illusion of vanity, a cloak under which to hide our passions, a music to lull awakening conscience. * * * When I saw the Swedes, who call the Pope Anti-Christ, pursuing me over fields, through woods, I bethought me that the sword of the Lord

could never sink before the sword of heretics ; I felt that I was but a man, the football of fortune, and assuredly not selected by God for any important mission. Impressed with this new faith, I held my own sword on high, and swore thenceforward to trust only in it and in the God within me. The sword of the Lord has become Count Pappenheim's sword,—and, by God ! Count Tilly, I will wield it as energetically, as trustfully as the other.'

" * * * Tilly, though he felt somewhat similar misgivings, hardly believed his ears on hearing them thus avowed. ' Pappenheim,' said he, solemnly, ' rob me not of the last prop that supports me under our calamities.' "

Pappenheim sneers at the old man's continued faith ; then plans are discussed, and Tilly requests Pappenheim to review in order to encourage the troops.

" No sound of trumpet or joyous shout met Pappenheim. In gloomy silence the troops received him ; nor did he, as usual, greet them * * * To Fürstenberg's cavalry he said, ' Good morrow, Cuirassiers ! you had a hot day and are melted down ; but, by God's grace, many a comrade will find his way back to his colours, and fortune smile again. Take courage ! '

" ' That we will ! ' replied an old, well-scarred cuirassier ; and the whole troop re-echoed, ' That we will ! '

" When he reached the ten regiments of infantry, still 2100 men strong, and commanded by Lieutenant-colonel Uncis and Count Sulz of the regiments of Galla and Tilly, he said to the latter, ' You have kept a tolerable parcel of the Tilly men together, Count Sulz. You seem to spare men's lives in battle, as well as at the storming of Magdeburg ! '

" ' I strive to be a man even on the field of battle, Lord Field Marshal,' returned the noble-spirited Count, ' but I hope Tilly's regiment did its duty as well as Pappenheim's cuirassiers.'

" ' Very possibly,' returned the Field Marshal, smiling bitterly, and rode on. When he came to the left wing, where were his own cuirassiers, commanded by Holk, he turned his horse, galloped through the interval to the second corps, consisting of the remains of his own, Savilli and Wangler's regiments, (those which had not fled,) and seeing all the colours planted before them, he sprang from his horse, gave Colonel Officuz his hand, and shouted, ' Welcome, Pappenheimers ! ' They brandished their weapons and hurra'd in answer. ' You fought like men, lost no colours, did not fly, but only gave way to overwhelming numbers ! You have preserved the honour of my name and your own ! Perhaps a few more of your brave comrades will yet assemble round your colours.'

" ' No, Field Marshal,' said Officuz, ' none ! The missing all lie on the battle-field.' * * *

" ' Do you come at last, Field Marshal, to review your cuirassiers ? ' said Holk ; ' eleven hundred horse are left out of seven regiments.'

" ' I know it,' said Pappenheim, and rode on without looking at them.

* * * An old corporal of the Piccolomini regiments came out from the ranks, approached him, and said earnestly but respectfully, 'Field Marshal, here are Pappenheim's cuirassiers.' The Field Marshal looked angrily at him, and would have ridden on. The corporal laid hold of his bridle, repeating quietly, 'Field Marshal, here are Pappenheim's cuirassiers.'

"'Vermazo,' said Pappenheim to the major of the regiment, 'arrest that mutineer, and hang him without court-martial!' and snatching out his pistol, he cried furiously, 'Let go my bridle, wretch, or I blow your brains out!'

"'A seemlier death than hanging,' coolly returned the cuirassier, and kept his hold of the bridle. 'Do as you will with me, but I demand justice for the cuirassiers, who have gloried in bearing your name, and whom you, forgetting their former deeds, despise because they are not invincible.' * * * 'Back to thy place, old one!' said Pappenheim imperatively but kindly; 'I will follow thee.' He rode along their ranks looking gloomily at the regiments; returned to the middle of the line, and said, 'Comrades, you have lost your name and reputation at Leipzig; recover them in the next battle, and I am reconciled to you.' He rode up to the Piccolomini corporal, 'As for thee, who hadst courage to die as a mutineer for the honour of the Pappenheimers, repeat not such boldness lest it cost thee thy head. This day's conduct I pardon, and in token of it take this pistol, with which I was about to make an end of thee. Let thy first shot with it hit the bitterest enemy of our faith. To a better meeting!'

"He galloped off. The trumpets sounded, and re-animated as though led by the god of war the reduced troops followed into the town."

We should like to exhibit Pappenheim in contrast with the Spanish general Cordova, and with that extraordinary man Wallenstein. But we can spare no further space for the new-fashioned and, to our taste, spoiled historic novel, except for the observation that this school has gained disciples where we should least have expected it, namely in Italy. Rosini, Guerreyzi and Battaglia all treat historic fiction after the new Teutonic, to them ultramontane, and, we should have conceived, uncongenial mode.

Turn we now from perversions of the extant to really original inventions, which, as more characteristic of the variations of the actual prevalence of innovation in the opinions, feelings and impulses of society, are to us more interesting. Those inventions upon the present occasion are the artistic and the critical novel, for philosophic and pseudo-philosophic novels we have heretofore read both in French and English.

Göthe may be said to have introduced the fashion of these new novels, blended into one; but nevertheless, whilst we

frankly acknowledge that we never have cordially participated in the enthusiastic admiration professed for *Wilhelm Meister's Lehrjahre* (apprenticeship), we must say that the present critical and artistic novels do not much more resemble that extraordinary and masterly work than does *Die Pappenheimer Old Mortality*. We should say that Göthe rather suggested the idea than set the example. His hero, Wilhelm Meister, is a youth of the mercantile class, who in the course of his juvenile adventures becoming an actor, the author takes the opportunity to depict the way of life, manners and vicissitudes of strolling players, as others had done before him; and by making the manager a man of intellect and education, he contrives, in conversations innumerable, to give the reader many of his own critical opinions upon the drama, especially upon Hamlet. But this constitutes only part of Wilhelm Meister's apprenticeship.

The disciples of the prevalent artistic and critical novel schools go differently to work. They take for their hero an artist, an author, or even a reviewer, and the novel consists wholly of the formation and development of his professional character,—as from a little boy whipped for pinching clay into shapes, till he becomes a second Thorwaldson,—of the situations, splendid or painful, into which it brings him, and of critical (or more correctly æsthetic) disquisitions upon his, the hero's, peculiar art. The critical species displays even less of the novel nature, being little more than a series of disquisitions in dialogue between personages created for the sole purpose of advancing, assailing and defending various literary opinions, according to the several characters with which they are therefore, and therefore only, endowed. In this school the talented Baron Sternberg ranks high.

With one of these critical novels, or in plain English, conglomerate reviews in masquerade, we know not why we should weary the reader; we ourselves, inured as we have long been to literary endurance, have found the task of perusal arduous. Of the artistic novel however we purpose offering him a specimen, and we will take it from the works of the last and, we think, also the most original novelist of this class that has fallen in our way, Ludwig Rellstab. It shall be his *Julius, a musical novel*.

Julius, a young German vocalist, falls in love with a beautiful girl, whom he has indistinctly seen, but whom he hears exclaim "Excellent!" upon seeing announced in a playbill the substitution of an opera of Mozart's for one of Rossini's. The beauty he soon afterwards recognises in Nina, the fair daughter of Kapellmeister Ricco, but not the enthusiast of Mozart. The father extols Rossini, criticizing all German music; the daughter will sing nothing but the lightest, most superficial, unimpassioned and unintellectual, but likewise most voice-and-skill-displaying songs of the Italian *divino maestro*. Captivated by Nina's beauty and grace, but repulsed by her false musical taste, poor Julius is half-distracted, and wanders about the streets of Berlin by night in search of tranquillity. As he one night passes the Kapellmeister's abode, he hears from the open window of the music-room impassioned, sentimental, intellectual strains, recognises Nina's exquisite voice, and is again happy. But Nina denies the charge, laughing at her lover's taste; he learns that the nocturnal singer was the rather ordinary lady's maid, and is again wretched at the enthrallment of a passion that his moral and musical sense unite to reprobate. The learned disquisitions upon major and minor keys, flats, sharps and chromatic scales, we spare our unmusical readers; but the musical metaphysics are to our mind too original and too strange to be passed over unnoticed. We extract part of a dialogue between the hero Julius and a common friend of his and Signor Ricco's, a musico-maniac merchant, Herr Heissenheimer, who says,—

"I confess, my dear friend, I cannot see why your love should make you so unhappy. Nina is beautiful and amiable, and her father will certainly not refuse you her hand.

"*Julius*.—My own resolution must refuse it me, and that is the sharpest pang.

"*Heissenheimer*.—Why? Because her taste in music differs from yours?

"*Julius*.—Yes! strange as it may sound. There is a height of musical development (*bildung*) at which it becomes no longer a consideration of art, but a moral quality, as appears by many phenomena in the world of art.

"*Heissenheimer*.—But consider, my good friend, to the appreciation of a work of art belong a practice, a refinement of the senses, that has nothing to do with moral energies. Would you think ill of a man because he should take a copy of a Raphael for the original?

"*Julius*.—No, for here the things are the same, the difference lying in the technical execution. But he who in painting should always prefer the picture of a licentious courtesan to that of a saint must be deficient in the moral sense, the depth of feeling requisite for the comprehension of a work of art. Dispute as much as you will whether Händel or Sebastian Bach be the greatest master, the decision depends upon subjective conformation ; but to hesitate between Gluck and Rossini, is to hesitate between virtue and vice.

* * * * *

"*Heissenheimer*.—We must judge Rossini according to the spirit of his nation, which desires and requires in music something quite different from what we Germans insist on. The Italian has an incredibly fine organization for the perception of the *matériel* of music, of tones in and for themselves. Hence such admirable singers amongst Italians. . . . hence the demand of the public to be completely and especially satisfied in this point. Can we then wonder if a talented composer, who certainly does satisfy this demand in an unexampled degree, should be enthusiastically worshiped ? The Italian must hear fine singing ; and who ever wrote for the mechanism of the human organ like Rossini ? * * * Should we be severe judges of those who mistakenly fancy that a melody which is peculiarly vocal, fulfils all the conditions of melody, and is therefore perfect, because when well sung it sounds well ?

* * * * *

"*Julius*.—But is it no proof of a shallow mind to be so contented,—not merely to ask no more, but to reject what is so profusely offered ?

"*Heissenheimer*.—That I may not altogether deny ; yet I think I can convince you that the imputation is too harsh. It is natural to value that in a work of art which most corresponds to our own individual development, that which, being most intelligible to us, we best appreciate. * * * If then our beautiful Nina is a little too fond of the Italian *maestro*, do not hold it to be a sin : she has been formed, educated in the style of singing suited to Rossini's operas, and you must know by experience how hard it is to break the chains of long habit. * * * Besides, the easy mastering of a difficulty has in itself an artistic enjoyment. * * * Take courage then, friend, instead of looking so gloomy ; I see no grounds for condemning our lovely songstress.

"*Julius*.—You have explained to me how the giddy fanaticism with which Rossini's vain, tinselly, false gifts are received has arisen ; but this does not set aside my painful conviction that only a superficial soul, engrossed by the glittering surface of existence, can be carried away by it. * * * To the apprehension, as to the creation, of a genuine work of art, that lofty and hallowed inspiration is indispensable, which gives us the assurance of the divinity of art. But who dare assert that this Italian can ever be so apprehended ? His highest aim is an effeminate sensuality, a slight emotion, which, if we do not disdainfully condemn it, induces those tears designated by a powerful German with the coarse but just epithet, wanton tears. Who can say, My heart swelled, my soul soared a higher flight while listening to Rossini's music ? And must not he who has ever ex-

perienced this internal ennobling through art, shudder when he hears the empty pleasure afforded us by this libertine of music, this insipid, sensual rapture, placed upon a level with the high and noble intellectual commotion by which genuine art purifies the mind as a flashing thunder-storm does the oppressive, sultry atmosphere? And he who never felt such an elevation of soul, who can remain insensible to such intellectual stirring—what can be hoped from him? And it is Nina!—Oh leave me! She is lost to me! * * * He who is no enthusiast for the truly beautiful, can be none for virtue. Therefore are we entitled to despise the shallow partisans of the superficial Italian: and it is upon her whom I love best in this world that I must thus pass sentence!”

We must relieve our readers' minds by giving them the catastrophe of this musical difficulty in a love that might otherwise, contrary to all rule, have run perfectly smooth. Julius makes up his mind to sacrifice the bewitching but superficial and ethico-musically soulless Nina, and marry her enthusiastic chambermaid. He writes his offer, goes for his answer, and is received by Nina, who apparently regards him in the light of an accepted bridegroom, and labours to please him in a long evening *tête à tête* by singing with him duets of Mozart and Beethoven; but she executes them so inexpressively that he half dies under the infliction. She abruptly leaves him, and whilst awaiting her return he hears the impassioned strain that had captivated him by night, steals to the room whence the sound proceeds, and dimly perceives in the dark the chambermaid seated at the pianoforte.

“He snatched her hand, exclaiming, ‘Caroline!’ She started up; but he retained her hand, drew her to his bosom, and asked in soft insinuating accents, ‘Caroline, canst thou love me?’ She laid her left hand upon her eyes and gasped for breath, but spoke not. Julius pressed her right hand to his lips, and gently attempted to remove the other from her eyes, when he felt that the maiden’s cheeks were deluged with a gush of scalding tears. At once delicious and painful was the rapture with which upon this symptom of love he softly clasped the trembler to his heart.

“Long she remained speechless, then whispered, still weeping, ‘And will you love me, whoever I may be? Will you love me solely because I have a feeling soul, am not insensible to what is most holy?’ Julius kissed her lips, still open to utter the words, and whispered, ‘For ever, and alone!’

“Leaning tenderly upon his arm she led him to the door, and through the suite of dark rooms to Nina’s cabinet. When they stood before the closed door, she thus entreated: ‘Grant me my first request; shut your eyes till I bid you open them.’ He promised, though unable to conceive her object.

“She opened the door and drew him forward. He perceived that there

was light in the room, but kept his eyes shut. A minute perhaps he thus stood. She had dropped his hand, and suddenly said, 'Now, Julius!'

"He opened his eyes. The room was lighted up; before him stood Heissenheimer, two paces further Ricco, clasped in the arms of a girl whose face was hidden on his bosom. The old Kapellmeister's eyes were full of tears, but he spoke not.

"Julius stood confounded, not knowing what to say. Shrinkingly he at last uttered, 'Caroline!'—and the head of the weeping girl was raised from Ricco's bosom, was turned as shrinkingly to him. It was Nina!

"'Heavens! what means this?' ejaculated Julius."

"'It is Nina, it is Caroline,—as you like best,' said Heissenheimer; certainly it is she whose heavenly strains won your heart.' 'No, impossible! Oh Heavens! what am I to believe?' he exclaimed, and anxiously his eyes questioned her.

"'She it is,' said Ricco firmly. 'It is I,' Nina softly and shyly breathed, as she bent towards him.

* * * * *

"Ricco, who had been walking to and fro in violent agitation, now spoke; 'Young friend, thou hast acquitted thyself well. Art is a sanctuary for which no sacrifice is too great to the genuine artist. I had sworn, and would have kept my oath, that he only should call my daughter his whom her external charms could not bribe to be faithless to his own heart. He who could be satisfied with Nina, the beautiful, talented but superficial trifler, could make no pretension to the superior maiden. Too often, alas! have I heard fine words respecting art, but none had yet realized them in correspondent actions; and the right to upbraid his antagonists with a worthless musical sense, appertains to none but him who not only possesses a purer and juster taste, but governs his whole conduct by its dictates. And now embrace me—and wilt thou not have me for a father?'

* * * * *

"'It was my father's will,' sighed Nina. 'Oh, couldst thou guess how difficult my task had become!'

"Julius kissed the words from her lips; but Ricco said, 'My art was at stake; my child, my all, were at stake! In such an emergency we must be wise as the serpent, even while free from falsehood as the dove.'"

This last, by the way, seems an odd remark from a man who had for years, it should seem, compelled his daughter both to utter and to enact falsehoods touching her musical opinions and feelings. But let that pass; our business is not with the minutiae of detail or the execution of these works of fiction, but with their tone, with the spirit that has dictated and prevails throughout their conception, and to that we return.

But need we say more upon the subject? Their tone? Is it not self-evident even in the slight sketches here given of them? The spirit that dictated, that prevails in them? Again,

is it not self-evident that Germany, either from mere literary reaction, or from the moral and intellectual languor, the stagnation consequent upon the subsidence of exasperated patriotic passion, has sobered down from the extravagance of youthful genius unlesioned by experience, uncurbed by judgement or taste? In fact she has become a little too sober for us, the rather that she still seems somewhat deficient in that regulating quality, of which we have lamented the absence in her impassioned state, namely taste, or in other words delicate perception, governed by sound judgement, and cultivated or trained in one especial direction. And whilst Germany was thus sobering, France, by an analogous although contrary reaction, had rejected all the rules of scholastic or classic discipline, of that taste which she had long boasted to be hers *par excellence* if not quite exclusively, and was quaffing the cup of license to the very excess of mad intoxication.

But even whilst we are writing "a change comes o'er the spirit of our dream," and it should seem as if France were suddenly and unaccountably recovering from her Bacchanalian orgies. We have not forgotten that one swallow does not make a summer, yet despite the proverb we could almost hope that France is weary, disgusted with the revolting though agitating interest dependent upon murder and licentiousness, parricide and incest, when we read *Picciola*, and learn that the Parisian public is actually devouring a tale of which the whole interest turns upon an atheist's passion for a flower, (his love for a beautiful young woman is altogether subordinate and indeed consequent upon his *anthomania*, if we may be allowed the word) and his conversion not merely to faith but to absolute devotion,—even, we suspect, to *seriousness*,—by the growth and development of this flower of one single plant, from its first germ! As we cannot expect any reader to receive so incredible a fact upon our bare word, we must select a few extracts from *Picciola*; and the little volume having been already translated, we shall take them from the English version.

The Count de Charney, an atheist and a libertine, wholly *blasé*, (we rejoice in having no English word to express this wretched state of wearied vice,) is, upon suspicion of conspiracy, imprisoned in an Italian sub-Alpine fortress by order of

Napoleon. He is apathetically indignant and misanthropic, disdains his rough jailer Ludovico as a brute, disdains as an idiotic flycatcher a fellow-prisoner, an entomologist, whom he sees from his window quietly engaged in his naturalist pursuits. But as he one day saunters in the paved court upon which his and the flycatcher's windows look, he sees a nascent plant thrusting out its tiny cotyledon-guarded plume between two of the flags, and he avoids crushing, by setting his foot upon it.

This little act of forbearance has given him an interest in the plant he has spared, which gradually grows into the passion, the absorbing and most beneficially influential passion already alluded to. Charney discovers the real humanity hidden under the jailer's rude or rather coarse exterior, by his horticultural care of the insignificant sweetener of the prisoner's solitude. He learns to respect the pursuits of the flycatcher Girardi, and to appreciate the worth of the old man and his lovely daughter Theresa, the daily companion of her father in his prison; he procures works of natural science, and learns to believe in, to worship and to love the Creator of the universe, and of his plant; he procures botanical works to seek the name of this plant, which however he cannot discover; whereupon Ludovico christens it *Picciola* (the little one). When *Picciola* flowers he erects a fence to guard it from the Alpine blasts, constructs a bench beside it, and there spends whole days in a sort of dreamy intoxication or delirium, produced by the perfumed effluvia of the flowers; and in these dreams identifying Theresa Girardi (whom he has but imperfectly seen through the grating of her father's window,) with *Picciola*, suffers a sort of reflection of his love for the flower to fall upon the damsel.

But as *Picciola* grows, the flags between which she has sprung hurt her stem. She sickens; and Ludovico recommends a humble petition to the commandant for permission to remove the noxious flag-stones. But the fortifications of a fortress cannot be touched without the Emperor's sanction, and all the stones in and about the building are held to be part and parcel of the fortifications. Prisoner and jailer are in despair. The sympathizing Girardi now suggests a petition to the flower-loving Josephine, which he will draw up to his own

window with a string, and despatch by the agency of his daughter, who resides without the prison walls. Theresa is herself the messenger: with that heroic energy which we hope for in noble natures when human life is at stake, she makes her way through danger and difficulty to Josephine, and awakens the Empress's floral sympathy. But Napoleon is "not i' the vein;" and the immediate result is Theresa's exclusion from her father's cell, and a reprimand to the commandant for the supineness or negligence which has rendered the secret despatching of the petition possible. The angry officer with his underlings visits Charney's cell, insults him, seizes his books and papers, and descends into the court. Pointing to the various matters collected round the plant as a breach of prison discipline, Captain Morand thus questions Ludovico:

"What is the meaning of all this rubbish? Is *such*, sir, the order you maintain in your department?"

"*That*, captain," replied the jailer, in a half-hesitating half-grumbling tone, drawing his pipe out of his mouth with one hand and raising the other to his cap in a military salute, "*that*, under your favour, is the plant I told you of,—which is so good for the gout and all sorts of disorders."

"Then letting fall his arm by an imperceptible movement, he replaced his pipe in its usual place.

"Death and the devil!" cried the captain; "if these gentlemen were allowed to have their way, all the chambers and courts of the citadel might be made into gardens, menageries or shops, like so many stalls at a fair. Away with this weed at once, and everything belonging to it!"

"Ludovico turned his eyes alternately towards the captain, the count and the flower, and was about to interpose a word or two of expostulation. 'Silence!' cried the commandant; 'silence, and do your duty!'

"Thus fiercely admonished Ludovico held his peace; removing the pipe from his mouth, he extinguished it, shook out the dust, and deposited it on the edge of the wall while he proceeded to business. Deliberately laying aside his cap and waistcoat, and rubbing his hands as if to gain courage for the job, he paused a moment; then suddenly, with a movement of anger as if against himself or his chief, seized the haybands and matting, and dispersed them over the court. Next went the uprights which had supported them, which he tore up one after the other, broke over his knee, and threw the pieces on the pavement. His former tenderness for Picciola seemed suddenly converted into a fit of abhorrence.

"Charney meanwhile stood motionless and stupified, his eyes fixed wistfully upon the plant thus exposed to view, as if his looks could still afford protection to its helplessness. The day had been cool, the sky overclouded, and from the stem, which had rallied during the night, sprang several little healthy verdant shoots. It seemed as though Picciola were collecting all her strength to die.

"*To die!*—Picciola!—his own, his only!—the world of his existence and his dreams,—the pivot on which revolved his very life, to be reduced to nothingness! Midway in his aspirations towards a higher sphere the flight of the poor captive, over whose head Heaven has suspended its sentence of expiation, is to be suddenly arrested! How will he henceforward fill up the vacant moments of his leisure?—how satisfy the aching void in his own bosom? Picciola, the desert which thou didst people is about to become once more a solitary wilderness! No more visions, no more hopes, no more reminiscences, no more discoveries to inscribe, [he had kept a diary of Picciola's growth and development, bloom and maturity,] no further objects of affection! How narrow will his prison now appear—how oppressive its atmosphere—the atmosphere of a tomb—the tomb of Picciola! The golden branch,—the sibylline divining rod, which sufficed to exercise the evil spirits by which he was beset, will no longer protect him against himself! The sceptic—the disenchanted philosopher, must return to his former mood of incredulity, and bear once more the burden of his bitter thoughts, with no prospect before him but eternal extinction! No,—death were a thousand times preferable to such a destiny!

"As these thoughts glanced through the mind of Charney, he beheld at the little grated window the shadow of the venerable Girardi. 'Alas!' murmured the count, 'I have deprived him of all he had to live for;' [his daughter's company,] 'and he comes to triumph over my affliction,—to curse me,—to deride me! And he is right; for what are sorrows such as mine compared with those I have heaped upon his revered head?'

"Charney perceived the old man clasping the iron window-bars in his trembling hand; but dared not meet his eyes, and hazard an appeal to the forgiveness of the only human being of whose esteem he was ambitious. The count dreaded to find that venerable countenance distorted by the expression of reproach or contempt; and when at length their glances met, he was touched to the soul by the look of tender compassion cast upon him by the unhappy father; forgetful of his own sorrows in beholding those of his companion in misfortune. The only tears that had ever fallen from the eyes of the Count de Charney started at that trying moment!

"Meanwhile the fatal operations proceeded. Under the orders of the commandant Ludovico was attempting to break up the rustic bench, which at first seemed to resist his feeble efforts.

"'A mallet—take a mallet!' cried Captain Morand. Ludovico obeyed; but the mallet fell from his hands.

"'Death and the devil! how much longer am I to be kept waiting?' now vociferated the captain; and the jailer immediately let fall a blow, under which the bench gave way in a moment. Mechanically Ludovico bent down towards his god-daughter, which was now alone and undefended in the court; while the count stood ghastly and overpowered, big drops of agony rising upon his brow.

"'Why destroy it, sir, why destroy it?—you must perceive that the plant is about to die!' he faltered, descending once more to the abject

position of a suppliant. But the captain replied only by a glance of ironical compassion. It was now his turn to remain silent.

"Nay then," cried Charney, in a sort of frenzy, 'since it must needs be sacrificed, it shall die by no hand but mine!'

"I forbid you to touch it!" exclaimed the commandant; and extending his cane before Charney, as if to create a barrier between the prisoner and his idol, he renewed his orders to Ludovico, who seizing the stem was about to uproot it from the earth.

"The count, startled into submission, stood like an image of despair.

"Near the bottom of the stem, below the lowest branches, where the sap had got power to circulate, a single flower, fresh and brilliant, had just expanded! Already all the others were drooping, withered on their stalks; but this single one retained its beauty, as yet uncrushed by the rude hand of the jailer. Springing in the midst of a little tuft of leaves, whose verdure threw out in contrast the vivid colour of its petals, the flower seemed to turn imploringly towards its master. He even fancied its last perfumes were exhaling towards him; and as the tears rose in his eyes, seemed to see the beloved object enlarge, disappear, and at last bloom out anew. The human being and the flower, so strangely attached to each other, were interchanging an eternal farewell!

"If at that moment, when so many human passions were called into action by the existence of a humble vegetable, a stranger could have entered unprepared the prison-court of Fenestrella, where the sky shed a sombre and saddening reflection,—the aspect of the officers of justice invested in their tricolored scarfs,—of the commandant, issuing his ruthless orders in a tone of authority,—would naturally have seemed to announce some frightful execution, of which Ludovico was the executioner, and Charney the victim, whose sentence of death had just been recited to him. And see, they come!—strangers *are* entering the court,—two strangers, the one an aide-de-camp of General Menon, the other a page of the Empress Josephine. The dust with which their uniforms are covered attests with what speed they have performed their journey to the fortress; yet a minute more, and they had been too late!

"At the noise produced by their arrival Ludovico raising his head relaxed his grasp of Picciola, and confronted Charney face to face. Both the jailer and the prisoner were pale as death.

"The commandant had now received from the hands of the aide-de-camp an order, the perusal of which seemed to strike him with astonishment; but after taking a turn or two in the court-yard, to compare in his mind the order of today with that of the day preceding, he assumed a more courteous demeanour, and approaching the Count de Charney placed in his hands the missive of General Menon. Trembling with emotion the prisoner read as follows:

"His Majesty, the emperor and king, deposes me, sir, to inform you that he grants the petition forwarded to him by the prisoner Charney, now under your custody in the fortress of Fenestrella, relative to a plant growing among the stones of one of its pavements. Such as are likely to be

injurious to the flower must be instantly removed ; for which purpose you are requested to consult the wishes and convenience of your prisoner.'

" ' Long live the Emperor ! ' cried Ludovico.

" ' Long live the Emperor ! ' murmured another voice, which seemed to issue from the adjoining wall (the voice of the bereaved old father, Girardi) ; and while all this was proceeding, the commandant stood leaning upon his cane, by way of keeping himself in countenance. The two officers of justice completely puzzled were trying in vain to connect the new turn of affairs with the plot which their imagination had created ; while the aide-de-camp and page secretly wondered what could be the motive of the haste which had been so urgently recommended to them. The latter now addressed Charney, to inform him that the letter contained a postscript in the hand-writing of the Empress ; and the count turning over the page read aloud as follows :—

" ' I earnestly recommend Monsieur the Count de Charney to the good offices of Captain Morand ; to whom I shall feel personally obliged for any acts of kindness by which he may be enabled to alleviate the situation of his prisoner. Josephine.'

" ' Long live the Empress ! ' cried Ludovico. Charney said not a word. His feelings could not be satisfied with less than raising to his lips the precious signature of his benefactress. The letter, held for some minutes in silence before his eyes, served to conceal his face from the curiosity of the spectators."

And all this pathos about a flower ! for we pray you, gentle reader, impute not any of the prisoner's gratitude to Josephine's postscript ; it was her preservation of Picciola that rendered her his benefactress, and made her signature so precious. The pathos is therefore altogether about a flower ; and is it not something astonishing that the French public, whose sensibilities have for years required to awaken them the strong stimulus of the novels before alluded to, and of such dramas as *La Tour de Nesle*, *Marie Tudor*, *Le Roi s'amuse*, &c., now melt and thrill for the life and death of a prisoner's flower ? But to our mind it is more than astonishing ; it is auspicious, indicative of a more healthful state of the French mind. As we read Picciola we feel that the revolutionary fever has abated ; that the blood is circling more temperately in the national veins ; that the incessant oscillations of action and reaction are over ; and that the nation, under the steady rule of Louis Philippe, is settling down into tranquillity. In short we strongly incline to hail the appearance and popularity of this fanciful and really moral tale, as a harbinger of the return of peace and prosperity to France, and, if to France, to Europe.

ARTICLE V.

Commercial Relations with Turkey.

WITHIN a few months England has been plunged from the height of commercial prosperity and confidence into the extreme of depression. It would seem as if our redundancy of wealth and buoyancy of enterprize were destined to experience these periodical visitations as a sequel to their epochs of most brilliant display.

Whilst deeply lamenting the sufferings inflicted by this revolution yet on its course, we feel perfect reliance on the elasticity of the national industry. It is grounded on the assurance that the evil has not arisen from overproduction at home, and that all the export-markets are rather insufficiently supplied than encumbered with our goods. The trade to a great extent must change hands, and be conducted more with British capital; but the wants of foreign countries will rapidly operate in producing an adjustment, which must restore to full activity the labour of most of the manufacturing districts.

We hope this may be accompanied with more stability in private fortunes, and better safeguards for maintaining commercial property at its true value, in the exercise of that superior skill, resource and genius for trade which have made the rest of the world the tributaries of our countrymen.

Happily nations best know their own wants and capabilities, and thrive by following those pursuits for which by soil, climate, situation and peculiar disposition they are respectively calculated. Holland became one of the richest states in Europe by her fisheries, pasturage and carrying trade, to all which England unites agriculture and manufactures. Turkey differs essentially from both these countries, yet the simple mechanism of her system presents some features not uninteresting at the present moment, and it may be said that she "has chosen her role."

This was well described and her interests elucidated by Namik Pacha, the Sultan's ambassador, when on a visit to Manchester a few years back. "Ours is not a manufactu-

“ring country,” said His Excellency, “and we have no pretension to compete with the science and capital of England. But our fertile territory and happy climate enable us to furnish you with many of the materials which you require. These and our other agricultural products we are content to raise, and receive whatever you can supply cheapest and best suited for us in return.” In these observations there was much good sense, and the best vindication of Turkey from the charge of want of inclination for mechanical arts or address in their exercise. The English know also from their own experience that it is not merited in one instance. Our dining-rooms are furnished with carpets from Anatolia, which frequently combine economy and comfort in use with elegance of pattern; while the beauty and durability of the dye and softness of their texture are only equalled by the Persian, which surpass them in delicacy and costliness. The Turks never attained to the art of making woollen cloths except of the very coarsest kind; but other branches of manufacture are shown to be in activity in the country from the increased importation there of cotton-twist, where it is entirely used, while the native looms have gone to decay which were employed in producing particular goods now superseded by ours. Among these are the Angora shalloons, which we have driven out of the market without rivalling their excellence.

Ignorance and contempt for commerce are assigned as the causes of the Turks’ first opening their ports with so much facility to Europeans. Their deficiency in the knowledge of navigation might be asserted with better foundation: they never regained their maritime grandeur as a power after their defeat at Lepanto by the united fleets of Christendom. Fighting, rather than skill in the management of vessels, distinguished those times, and nautical astronomy was in its infancy. As the Turks were a recent inland people they found the Genoese and Venetians already in possession of the maritime commerce of the Mediterranean. Even could they have equalled their expertness, (which neither their habits nor range of education permitted), their vessels must have met with a hostile reception on every Christian shore. They found foreigners to visit them and offer an exchange of commodities,

and fell behind to engage only in coasting voyages between their own ports as far as Egypt, which till within some years past were chiefly made by Turkish craft. Commerce among their own people is a general and honourable profession. Many of its usages, such as are common to all Eastern nations, they possessed, and must have adopted others which they found existing in the new territories where they settled. They succeeded to a great portion of the empire of the caliphs, and their commercial laws were engrafted on the religious code they had already received from the Arabs. Their mode of traffic, like many other customs in those regions, has undergone little change till the present time, when the spirit of adventure is beginning to extend to the Turkish merchants who share the trade with England.

We are content to judge by facts of the sound policy which dictated the earliest capitulations between Soleyman the Magnificent and Francis I., the model of the rest, and which continue to be the Magna Charta of foreign privileges and trade. During three hundred years these institutes have been respected by the successors of the ninth Sultan, distinguished for his learning and capacity, courted by one of the first monarchs of Christendom and feared by the rest. Under the beneficial operation of these laws for all native subjects, the evils of anarchy and despotism in the worst times have been mitigated, and other causes of decay stayed in their course: to them are owing the wealth and security which the Greeks and other merchants of the country have attained and continue to enjoy. We might act more wisely in following the example of the East, than in denying its every claim to discernment. At the time when nascent industry and the faculties of man, scarcely emancipated from serfage, were struggling in the West of Europe against barbarous legislation, forging every shackle that ignorance or prejudice could devise, trade was allowed to flow in Turkey through its natural channels. It sprang up free born. But the Porte did more, "it guaranteed " to the foreigner the safeguard of his own laws, and these exercised by a functionary of his own nation. When he first " sets his foot on the territory of the Sultan, he is greeted by " the title of Mousafir, or guest,—you are welcome; remain

“with us : follow your own laws, but respect ours, our usages and faith.*”

No change has been made in the customs on imports then established of three per cent. *ad valorem*, which do not as collected exceed two per cent. The other additional duties are slight, and the Porte has made some alterations with respect to its own products. For those of foreign countries perfect freedom of entrance and circulation remains intact. In *Turkey alone*, it can be said, are British manufactures, as well as every other article we send, admitted to an open market.

The trades there are divided into distinct bodies, represented by their chiefs, and the injury done to their manufactures by foreign cloths and shalloons could not fail to have been brought under the notice of the Government. Yet never has it from the earliest times till now, when best acquainted with European tariffs and the many looms which England has displaced, dreamed of introducing protections and prohibitions. No Turkish minister has proposed taxing the whole community for the benefit of a few, to enable them to sell the worse article at the higher price, and gain by the state not by their thrift,—the besetting sin of European systems, for which there is no remedy unattended with some portion of evil. With these peculiar recommendations the markets of Turkey would merit attention were they less considerable, and the country itself be an object of interest were its independence not essential to England, so long as the distribution of European power affects our welfare as a nation.

The proportion of British produce and manufactures sent to Turkey is one twenty-fifth of the whole quantity exported. It is one fifth of that sent to the United States of America, one half of that to Germany, four fifths of that to Holland, Italy and the Brazils respectively; it exceeds by one third the exports to Portugal and France, the whole to Sweden Norway, Denmark, Prussia and Spain together; it equals the amount to Russia, and nearly that to our North American colonies; it falls short little more than one third of the exports to our West and East Indian possessions, and is double the amount to China by the returns for 1835, estimating the trade

* *Moniteur Ottoman* of 1833.

to Turkey at its true amount. It is now principally carried on by the native merchants there, and their commission houses or partners in England, and shared with English houses. Close attention to the wants of the market, a proper selection of goods, promptness in the execution of orders, and perfect confidence between principal and agents are the great requisites for success. When these are combined considerable and regular profits are usually made, notwithstanding a vicious currency which the Porte has yet to reform. The rarity of losses from bad debts or violent local fluctuations of price is owing chiefly to the absence of speculative demand. Real transactions employ capital sufficiently, and interest is high, the usage being one per cent. per month, sometimes more for short terms, and ten per cent. per annum may be obtained with the best security. No temptations consequently exist for mere gambling speculations, and the market does not groan under a load of goods poured in without regard to the consumption from some mere casual advance in the price. The natural variations in supply and demand afford sufficient scope for the exercise of superior activity and intelligence, and only a decline on the cost of production causes heavy losses on goods, &c.

It is well known that the Levant houses in England have been the safest customers to our manufacturers of any within the whole compass of their dealings; and but one failure, scarcely to be called so, has taken place among them during the last ten years. They continued throughout the spring making purchases of manufactures on a scale beyond former precedent, and paying cash, while shipments were contracted to every other country, and credit had been shaken. Their command of funds and activity in purchases attracted the more notice, at a time when orders for America to the amount of millions remained unexecuted for want of money or confidence.

An interruption of these shipments has inevitably ensued from the general convulsion extending to Turkey, of which within itself the germs do not exist. The depreciations of the currency have never there produced such calamities as arise from artificial credit and circulating mediums, which are fallacious representatives of capital. We have thus but recently seen the prices of commodities rise, and sink as sud-

denly, without any real apparent cause in the cost of labour or the wants of society. Some of the most respected firms in England have been borne down by the change, and others supported only by enormous capital, after aiding their transatlantic friends in a struggle which has at length brought American currency and resources to the test. The dangerous facility of discounts in England supported the hyperstructure, till a warning issued from the Bank, when it proved like paper sails of mimic ships, which are damped by the first shower or torn by the first breeze. The value of merchandise is deranged throughout the world, whether by an elevation above its level, or its being next unduly depreciated.

In Turkey the shock is necessarily severe, as all the supplies of British goods on hand are diminished in saleable price in the same proportion as at home,—silk, wool and other exports of the country in a similar ratio with foreign markets; yet none of the Levant houses in this country, amidst the general pressure, have asked for assistance to relieve their advances, or pledged a single package of their heavy stocks of these articles. Few of their friends have been trading on accommodation expedients without real means; and the losses in that country, falling in a great measure on former profits, are so generally distributed, that we venture to anticipate that nowhere will they less affect British interests. The revenues of the Porte may suffer more deeply, and a return in England to the usual consumption of Turkish products must be the first step to amendment. In the end, as several of these have not much shared in the depreciation, the reduced cost of our manufactures may lead to their greater consumption.

The origin of our trade with Turkey is but of recent date, as previous to the last war between England and the Porte, in 1807, but two or three of our vessels annually proceeded to Constantinople with assorted cargoes. Of these cotton goods formed but a small proportion*, and very few also were sent to

* We recollect seeing a marginal note (we believe written by the author of one of our best standard works on Turkey,) on a passage in Eaton's book, rather reflecting on the merchants for their neglect of British manufactures. The reply was, that they had been tried, both cottons and woollens respectively, but would not answer. How imperfect the attempts, afterwards appeared.

Smyrna. When Malta had become a *dépôt* for our trade in the Mediterranean, the Greeks, endued with almost an intuitive talent for commerce, began making purchases there of British manufactures. One of them from thence went to Glasgow, and introduced the patterns of cotton shawls in imitation of cachemeres, which for the first years afforded enormous profits, and still continue a leading article in the trade. Other Greeks sent up from Malta every variety of goods likely to suit the country, and chiefly to Smyrna, from whence the capital was supplied. An English merchant, who had conceived a just opinion of its capabilities, established a house at Constantinople in 1812, and for several years it had the entire sway of the direct trade with England.

Jonides, bred an operative weaver, and before that in a still humbler station, but an able self-taught calculator and merchant, was the first who sent an agent to London in conjunction with some Sciote merchants at Constantinople. He directed the business with this country for some years on an extensive scale, and with brilliant results. Other Greek establishments soon followed, which were deranged by the revolution in 1821; as the Sciotes, then the leading commercial men, suffered dreadfully from the calamities of that period. Their connexions again renewed the business in England without loss of time, and some years later Armenians and other natives of Turkey formed rival houses. A wealthy Levant firm opened the trade from this country with Beyrout in Syria, which had begun to attract the attention of our manufacturers, and several English established themselves there as agents.

From 1812 and 1813 Constantinople became a rival mart with Smyrna, which it has at length completely eclipsed for British manufactures. Our merchants now find their business much more divided, and transferred into a great number of hands. But Smyrna retains its usual number of about twelve English houses, and at Constantinople there are ten instead of five, the number up to 1822. We have besides two at Salonica, one at Trebisonde, one at Erzerum, one at Tabriz, one in Candia, and five in Syria, with their agency branches, all formed since 1829.

When the consumption of British manufactures gave new scope to the trade, it became wide enough for all; whilst in the

days of the Levant company any foreign subjects were looked upon as intruders on the ancient province of that venerable body. It continued till its extinction to levy a heavy tax on goods belonging to its own members or strangers, under the name of Consulage, to raise a surplus fund for the benefit of the Chancellor of the Exchequer's budget in the end. The fear of losing its charter had alone induced the company to relax their privileges in favour of Turkish subjects on the demand of the Porte. As soon as the Greeks were admitted to a participation, of which they for some time did not much avail themselves, an old Levant merchant of London retired in disgust, to preserve his fortune gained in the trade, and in the genuine spirit of exclusiveness declared, "The Philistines have broken into our camp, I will no longer remain there with such companions."

In lieu of some individual families, who rose to wealth or eminence during the monopoly of our intercourse with an empire, we have now the more solid benefit for the country of the capital and labour employed by the export of near two millions in manufactures. The Philistines must at least rank also as the pioneers.

Seventy Greek houses or upwards now trade with England from Constantinople, besides twenty or thirty Armenians and others, with perhaps as many more occasional traffickers of minor note, and most of the French, Austrian and Italian merchants. About one fourth of this number may probably be calculated to exist at Smyrna. At Salonica the amount is also considerable, and the trade of Syria is in the fewest hands. Independent of English merchants and manufacturers engaged in business with Turkey, there are eight Greek houses in London with two branches at Manchester, four Armenian and Syrian, and one Anglo-Levant; in all thirteen Levantine firms, all enjoying respectable or first-rate credit.

Goods for Persia form of late years the most valuable part of the shipments to Constantinople, which is not only in the direct road, but offers nearly as great advantages from being an intermediate market. Syria, from the trials made, appears to be out of the way for Persia. Mr. Waghorn, the India letter-agent in Egypt, we understand, proposes to accommodate the merchants by conveying goods from Alexandria on

camels across the isthmus of Suez, and ingenious calculations are made to show that nothing but time is lost by this route or Bombay. This seems to be quite enough, since the lock-up of capital on both sides, and other inconveniences of circuitous roads, are the usual reasons why the shorter are preferred. So the Persians have judged; and while Bombay may suit some parts in the south, it will, with Alexandria, continue to be found too remote for the more populous provinces towards the Caspian. We should, without easier means of communication, have to compete at a disadvantage there with the German and Russian manufactures. Some of the latter are thrust through Georgia into those countries so cheap, as to seem the foundations of a forced trade supported by the Government. Fine goods for Persia no longer go by way of Bombay. Besides it is chimerical to expect that the market would remain open to us at all if the passage by the Bosphorus were closed: since Persia would cease to be independent, and would fall under the Russian tariff at the same time. Its trade and its political fate are identified with those of Turkey, under which head our exports for the two countries are classed.

Yet this title, which corresponds with the official returns, seems still to be considered objectionable. It is prefixed to one of the tables in the appendix to Lord Dudley Stuart's speech of the 19th of February 1836,—one of the most luminous and comprehensive ever delivered in Parliament on our foreign policy; nor is it liable in the commercial part to any charge of omission, amidst the vast range of matter which it embraces. In this record of the perfect study and mastery of his subject his Lordship observes: "Russia in possession of Constantinople, we lose our great, important and increasing trade with Turkey; we lose also our trade through Turkey with Persia." The distinction is clear without entering into particulars, and the terms applied to Turkey equally correct.

On examining the comparative statement of our exports to that country and Russia in 1827 and 1834, the latest date up to which the official returns seem to have been presented, we find some particulars still entitled to notice. During these seven years there had been a decline in the total of British

products to Russia of £26,500, and in wove cottons alone of £109,000, to set off against an increase of £104,000 in twist. The shipments to Turkey in the same interval advanced to £467,000 in wove cottons, £70,000 in twist, and £692,000 in the aggregate of all articles. In twist the ratio of increase was $176\frac{3}{4}$ per cent., nearly triple the former quantity, and in piece-goods 130·83 per cent., considerably more than double.

Turkey was every year taking from us more yarn for her manufactures, without, like Russia, shutting her ports against ours, but receiving them also in much larger quantity. Mr. Urquhart, in his valuable work on "Turkey and its Resources," shows how much we had already interfered with some of the principal weaving establishments of the country. "Of 600 looms for muslins employed at Scutari in 1812, only 40 remained in 1821, and 200 at Tournova out of 2000 which existed at the former period." The accuracy of this information, founded on minute inquiry, is easily reconciled with other facts. Muslins, ginghams, handkerchiefs, &c., the articles produced in these looms, could no longer be made to withstand the competition with England; and for the rest, home-made yarn from their own cottons was used by the natives up to a much later period, till abandoned on full experience of the superior advantage of ours. This yarn is required for the silk and cotton stuffs of Brussa and Aleppo, very durable in wear, and some of them costly and handsome, ornamented with gold. All our countrymen who have visited the Bosphorus must recollect the loose white shirts of the boatmen, made alike of silk and cotton, and which have such a graceful effect on their athletic forms. These are also very generally worn among the rest of the population, though concealed by their outer dress. Some of the finest, woven into fancy stripes at Salonica, form no inelegant part of the Ionian Greek costume of the ladies of Smyrna, and various qualities are everywhere used for the chemises of the women. The common turbans or other head-dresses of the men, and their girdles, particularly inland, are made of the cotton stuffs of the country, of a peculiar texture, softer than our calicoes. Other descriptions of their manufactures might be mentioned, and ours have only superseded such as were unprofitable, without by any means having yet obtained the circulation which they must

obtain in the centre of Anatolia or the country towards the Danube.

It is not very long since assertions were put forth to the public, that we derived more benefit from the trade with the single port of Odessa than all Turkey together. To contrast the balance for England, as it stands with Turkey and the whole Russian empire, would in such case be a superfluous labour. We have however made the attempt; and whilst the cost of the raw materials, process of manufacture, and the rate of wages are constantly changing, which may render our calculations liable to correction, we have adopted the same rule for both countries, and consulted the best authorities within our reach. The estimate will commence with the official reports of trade for 1835, (hitherto unpublished,) though they give but an imperfect measure of our exports to Turkey; to ascertain their full amount, we must apply to other sources of information.

Exports to Russia, 1835.			Exports to Turkey, 1835.	
	Yards.	Value.	Yards.	Value.
Plain Cottons	2,243,620	£83,708	18,901,025	£543,987
Printed and Dyed Cottons	639,409	25,590	12,966,023	426,046
Hosiery and Lace .....	.....	5,382	.....	3,344
Total of Cotton Fabrics ...	2,883,029	£114,680	31,867,048	£973,377
Cotton-twist and Yarn, ... lbs.	21,082,539	1,365,027	lbs. 1575,400	89,404
Total of Cotton-stuffs and Yarn		£1,479,707	.....	£1,062,781
Woollen Manufactures		93,025	.....	41,984
All other articles		180,043	.....	226,904
Total of British products		£1,752,775		£1,331,669

It is impossible to ascertain the precise value of labour and profits of capital arising from these shipments, but we have such data as may serve for an approximation.

Macculloch* refers to a statement in the Manchester Transactions for 1817, by Mr. Kennedy, computing that one hundred million lbs. of cotton-wool then used in the United Kingdom, employed 110,763 persons in spinning alone throughout the year, supposing 300 working days. This cannot be

* Commercial Dictionary, article 'Cotton Manufactures.'

reconciled with the calculation furnished by the same gentleman to the East India Company in 1830, by which the entire expense of the manufacture of twist amounts to $7\frac{1}{2}d.$ per lb. for No. 40 taken as a medium, and the average cost of the raw article at $7d.$ The saving of labour by the improvements since made in machinery may sufficiently account for the difference; and assuming the rate of 1830 to apply to the next five or six years, we have some guide as to cotton-twist.

In this we are further assisted by a valuation furnished by Macculloch of all the cotton manufactures of Great Britain in 1832, by which the profits of capital and charge for outlay in buildings, machinery, coals, superintendence, &c. are computed at $17\frac{3}{4}$ per cent. on the gross value. We take this item at 17 per cent. for twist, as free from several expenses, such as dyes, &c. incurred in woven fabrics, and follow his other proportions of expenditure, to agree in the result with Mr. Kennedy. To this analysis we submit the export of twist to Russia in 1835, amounting by the official returns to 21,082,539 lbs. of the declared or real value of £1,365,027.

Profit of capital and expense of outlay in buildings, machinery, coals, superintendence, &c. 17 per cent.	£232,050
Wages of 17,932 spinners, at average £22. 10s. per annum	403,460
Wages of 2241 engineers, smiths, masons, &c. at average £30 per annum	67,240
	<hr/>
Expense of manufacture, $8d.$ per lb.....	702,750
Cost of same quantity of raw material, including waste 7.54	662,277
	<hr/>
Entire cost, averaging 15.15 per lb.	£1,365,027
	<hr/>

Following the estimate for 1832 already mentioned, we find that 240 million lbs. of raw material, costing seven millions sterling, were computed to be worked into cotton goods of every description to the value of £34,000,000. In that year there were exported, according to the printed returns, 75,667,150 lbs. of twist, entered at £4,722,759 real value.

Deducting for cost of the same quantity of wool at $7d.$ per lb., including waste £2,200,000, we shall have £4,800,000 in raw material, forming the basis of nearly £29,300,000 woven cotton manufactures consumed in the country and exported. Of these, every £100 value would then be composed of only

16·45 per cent. in raw material, and the rest would be the produce of British capital and industry.

This balance of 83·55 per cent., which we shall increase by a fraction to 84 per cent., gives on £114,680 of cotton stuffs exported to Russia in 1835, a product of £96,300 to be appropriated as follows:

Two thirds in wages to 2854 operatives, at 22 <i>l.</i> 10 <i>s.</i> per annum	£64,200
One ninth in wages to 357 engineers, smiths, &c., at 30 <i>l.</i> per annum	10,700
Two ninths for profits, superintendence, coals, dye stuffs, use of buildings, machinery, &c.	21,400
Return for labour and profits, &c. on 114,680 <i>l.</i> , at 84 per cent.	<u>£96,300</u>

The exports on woollens are also, according to Macculloch, to be estimated as follows:

Value of raw materials, one third of the full cost	£31,000
Interest and profits of capital, use of machinery, &c., about $\frac{1}{4}$ th	18,800
Oil, soap, dye stuffs, &c., about 7 per cent.	6,500
Wages of 1469 workmen, at 25 <i>l.</i> per annum	36,725
Total value of woollens exported to Russia in 1835	<u>£93,025</u>

Turning now to shipments to Turkey, the amount in cotton-twist is 1,575,400*lbs.*, declared value £89,404.

Profits, use of buildings, machinery, coals, superintendence, &c., at 17 per cent.	£15,200
Wages of 1171 spinners, &c., at 22 <i>l.</i> 10 <i>s.</i> per annum	26,360
Wages of 146 engineers, &c., at 30 <i>l.</i> per annum	4,390
Expense of manufacture, at 7 <i>d.</i> per lb.	£45,950
Cost of raw material, including waste $6\frac{1}{2}$	43,454
Total cost, averaging 13 <i>d.</i>	<u>£89,404</u>

The shipments of cotton stuffs amounted to £973,377 declared value, to be apportioned as before:

Two thirds in wages to 24,227 spinners, weavers, &c., at 22 <i>l.</i> 10 <i>s.</i> per annum	£545,100
One ninth in wages to 3028 engineers, smiths, &c., at 30 <i>l.</i> per annum	90,830
Two ninths for profits, superintendence, use of buildings, machinery, coals, &c.	181,700
Return for labour and profits, &c. on £973,377, at 84 per cent.	<u>£817,630</u>

The exports on woollens were £41,984 declared value, to be apportioned thus :

Interest and profits of capital, use of machinery, &c., about $\frac{1}{3}$ th	£8,600
Cost of raw material, about one third	14,000
Oil, soap, &c., near 7 per cent.	2,900
Wages of 659 workmen, at 25 <i>l.</i> per annum	16,484

Total cost..... £41,984

On these calculations is founded the following comparative statement of labour and profits of capital, &c. on exports to Russia and Turkey in 1835.

Articles.	Russia.					Turkey.				
	Spin- ners, &c.	Engi- neers, &c.	Total of Persons.	Wages.	Profits, &c.	Spin- ners, &c.	Engi- neers, &c.	Total of Persons.	Wages.	Profits.
				£.	£.				£.	£.
Cotton-twist	17,032	2241	20,173	470,700	232,050	1,171	146	1,317	30,750	15,300
Cotton-stuffs	2,854	357	3,211	74,900	31,400	24,227	3,028	27,255	635,930	181,700
Woollens			1,469	36,735	18,800			669	16,484	8,600
Total			24,853	582,335	272,350			20,231	683,164	205,500
Difference less			4,378	100,839						66,750

By this table there is a balance of £100,839 for labour employed, furnishing wages to 4378 workmen in the cotton and woollen manufactures to Turkey more than to Russia, and a balance in favour of Russia of £66,750 for profits of capital, &c. On the other hand there is a surplus for Turkey of £47,000 in the amount of miscellaneous articles exported, as appears by the general statement of exports in a preceding page, on which the labour and profits are not reckoned. Neither have we the same means of extending the analysis to every article, and it is immaterial in forming the comparison which will further be rendered more complete. It is here founded on the public accounts for 1835, when the exports to Russia rose to £1,753,000 from an average of £1,417,000 for the preceding eight years, and with an increase in 1834 of £371,000. Of this sum there is £327,494 for 4,841,167lbs. additional shipments of cotton-twist, and £43,922 of cotton stuffs, which together make up almost exactly the £371,000 of increase. In 1820 we are informed that Russia exported from us to the value of £2,300,000, whence she had subsequently fallen off nearly a million, whereas the trade to Turkey has been constantly advancing.

In the exports to that market for 1835 there is, by the official returns, an increase of ten per cent. on the preceding year, till then the highest.

An increase in cotton-twist of 414,511 lbs., value	£20,331
An increase in cotton-stuffs of 8,245,588 yards, value	141,788
And in the total of British products an increase of	123,728

which amount to £1,331,669 declared value for 1835. Both observation and strict inquiry lead however to the conviction that this is far under the reality.

The bills sold at Constantinople for some time previous to the autumn of 1836 averaged £40,000 to £50,000 on England by each weekly post, and were furnished by the Mint agent without limit, in order to control the exchange; he being the principal drawer, and replacing what he required by other paper. Allowing for all cross operations, the purchases known to be for real business in sterling bills, besides continental, were so considerable as only to be accounted for by the extent of the trade. The silks and other products of the country being usually drawn for on shipment, their product is to be included in the above; with the exception of the balances, which after deducting advances in England are mostly employed in goods sent back. The magnitude of constant sales for Persia, the more silent local consumption through hundreds of intermediate hands—either importers, their retail agents, or small dealers—estimates formed on the average value of the cargoes of vessels from England, besides minor indirect supplies, and statements circulated of the commissions which the principal Levant houses in London were gaining on their shipments,—would give about £1,500,000 as the more probable amount of imports at Constantinople, of which seven-eighths were in manufactures.

Differences of opinion exist on the subject; but a report, by no means partial to a high valuation, and resting on the authority of the best-informed merchants on the spot, allows £1,200,000 as the lowest standard. That this should not agree with the official returns is not surprising, since it is known that all the entries are not included, or do not give the full value of the goods which reach Constantinople and other Turkish ports, even in the same vessels. Several touch at Malta, and more especially Syra, and supplies are received

through other intermediate channels. Among these, of which we have no account for Turkey, Lord Dudley Stuart aptly enumerated goods purchased at the German fairs for the consumption of the northern provinces bordering on Austria, although scarcely ever brought to the capital.

It is easier to settle the amount of exports to the rest of the country; only a few houses in England ship to Syria, for which from eighteen to twenty vessels are loaded in the year, with cargoes averaging from £13,000 to £20,000 value each in manufactures. There would be some ground therefore for estimating the total at more than £350,000, as few ships take out less than £15,000 worth of goods; and we are informed that twenty-three arrived direct, besides Maltese, Ionians, &c. in 1835, when the sales of British goods amounted to £371,000, leaving a profit of 23 per cent.*. Such is the report given by a contributor to the *Augsburg Gazette*†, who seems to have made very minute inquiries. A balance of goods would most probably have remained unsold at the end of the year exceeding that at the commencement, since the trade was then in its earlier stage. We agree, however, with an intelligent and respectable authority whom we have consulted, that £300,000 may be taken as an unexceptionable valuation.

Syria was before supplied from Smyrna, where the change makes an immense difference, together with the loss by the previous transfer of the silk and opium business to Constantinople. Only five ships were despatched from London, and four from Liverpool for Smyrna last year; and its consumption of British goods has fallen so much, that we will not reckon it above £100,000; though, from comparing different accounts, we should think it is rather more. Still, from Smyrna being the great central port for the products of Anatolia, and in the immediate vicinity of the fruit, madder and cotton districts, its export commerce leaves it very considerable resources. So far is its aspect from being cheerless and declining, that, on seeing the luxurious country-houses of the

* We know also that a large export house at Manchester found it the most profitable of all foreign markets.

† See *British and Foreign Review*, No. VI, page 308, article on Trade and Colonial establishments in the Levant.

foreign and English merchants, their town residences, and whole quarters of the city covered with new buildings of an expensive or showy kind, a stranger would pronounce the capital of Ionia yet in her splendour, and one of the most progressing cities in the East. It is no less true that the amenities of society and hospitality, for which its reputation is sustained, are now too often a relief from the languor of business, rather than from its bustle and toils. The American colonial trade has greatly declined with the rest, and visitors will not find the same thronged bazaars or well-stored warehouses which our countrymen could once display. In their scantier furnishings there is room for some lamentation over the fallen fortunes of their city and the neglect of the capital; yet notwithstanding the arbitrary exactions of an oppressive governor, since removed, which made Smyrna dearer than Constantinople to former customers from the interior, the appearances it exhibits must have some healthful sources to feed upon. The merchants there, whose wonted consignments now figure so largely in the balance-sheets of Syria, will find a portion of the rest has taken flight to Salonica.

Till within these very few years, though we had a consul at the latter port, and two or three nominal English firms, we had no direct commerce. Salonica was accounted a paltry market, the refuge only for spare goods, the warehouse-keepers of the merchants of Smyrna and Constantinople. It furnished ampler scope for business to a new English establishment, which induced the local traders to order out British goods on their own account. Other channels of vent were opened, the consumption extended where it had before been insignificant, and customers were attracted who had frequented the Archipelago or Adriatic. An improvement in the winding and reeling of their silk after the Italian fashion now places it on a par with the very fine qualities of that description largely imported by us from Brussa, and enhances the amount of their returns. The extent of the direct Salonica trade was still so trivially rated that it became necessary to make inquiry at the most authentic sources. The result is, that the annual export is fully £100,000 in cotton-twist and manufactures, with a few other goods.

After the separate detail of the different markets, the summary can now be given of the sale of British goods in Turkey, first distinguishing the portion which goes to Persia.

Mr. P. Stewart, in his speech of the 20th of April, last year, stated the number of packages which passed through Trebisond in 1835 at 19,300, valued at £965,000, nine tenths consisting of British manufactures. The average of £50 per package is perhaps rather high, as they are made up of small bulk for easy carriage on a long overland journey, two forming a mule- or horse-load. The result would be £868,500, which we think does not exceed the true amount; but we have other authority for rating it only at £750,000:

Deducting from total imports at Constantinople	£1,200,000
For the consumption of Persia	750,000
<hr/>	
There remains for that of Turkey a balance of	£450,000
Amount of imports of British goods at Smyrna	100,000
Ditto Ditto Salonica	100,000
Ditto Ditto in Syria	300,000
<hr/>	
Total direct.....	£950,000
Supplies from Syria at the different ports not included, and estimated at	80,000
From all parts of the Mediterranean and from Germany ..	70,000
<hr/>	
Total consumption of Turkey	£1,100,000
<hr/>	

It may be reduced to one million, for any surplus taken off by Persia, or other differences; and still there is a certainty that the increase has been very considerable within the last ten years. The exports to Turkey in all amounted to £531,704 in 1827, by the official returns; to which add £100,000 for indirect, and we have £632,000 as their utmost extent, or £700,000 supposing the entries short. Even then purchases for Persia had commenced, which are to be deducted, and again may leave £600,000 in round numbers:

About one-half of the preceding estimate	£1,100,000
Replace for the consumption of Persia.....	750,000
<hr/>	
Total importation of British goods into Turkey	£1,850,000
<hr/>	

From the unusually large scale on which shipments were

made in the early part of last year, the total reached not improbably two millions:

Reckoning it as above at	£1,850,000
Miscellaneous articles (in which there is little indirect trade) which stand £226,904 by the returns for 1835, at	250,000
There remains for cotton and woollen manufactures a balance of	£1,600,000
Allow for proportion in cotton-twist, 10 per cent., being rather more than by the returns	£160,000
Proportion in woollens as before, 4 per cent.	56,000
	<hr/> 216,000
Amount in wove cotton goods	£1,384,000
Deduct 16 per cent. for raw materials, about	224,000
There remains for labour and returns of capital	<hr/> £1,160,000

With which we shall recommence the estimates as before.

Two-thirds paid to 34,364 operatives, at average wages 22 <i>l.</i> 10 <i>s.</i> ,	£773,200
One-ninth paid to 4,300 engineers, &c. at average wages, £30	129,000
Two-ninths profit of capital, wear and tear of machinery, &c. ..	257,800
Proportion on £1,384,000 in cotton-stuffs, 84 per cent. about.	<hr/> £1,160,000

A capital of £160,000 in twist requires

For profits and use of machinery, &c. 17 per cent.	£27,200
Wages to 2,100 spinners, &c. at 22 <i>l.</i> 10 <i>s.</i> average	47,250
Ditto 262 engineers, ditto	7,850
Deducting about one-half for raw materials, balance	<hr/> £82,300

A capital of £56,000 in woollens requires

For profits, use of machinery, &c., about one-fifth.	£11,000
Wages to 884 workmen at £25 per annum, being 39½ per cent.	22,100
	<hr/> £33,100

The following is a recapitulation of labour and returns of capital, &c. from exports of cotton and woollen manufactures to Turkey.

	Operatives.	Engineers, &c.	Total Persons.	Profits, &c.
Cotton-stuffs	34,364	4,300	38,664	£257,800
Twist	2,100	262	2,362	27,200
Total of Cotton manufactures	36,464	4,562	41,026	£285,000
Woollens .....	.....	.....	884	11,000
Total of Cottons and Woollens	.....	.....	41,910	£296,000

Taken as a statement of the results of the trade in 1835, for which we have no other accounts of the exports to Russia besides those in the official returns, it thence follows that there is a surplus of labour in favour of Turkey of 17,057 persons, and of profits of capital, &c. to the amount of £24,000.

Further, if we consider how the consumption of the £296,000 for returns of capital and other disbursements, is divided among tradesmen, servants, colliers and labourers, and the families of the merchants and manufacturers themselves, in the expenditure, we may perhaps reckon 6,000 additional individuals, making 48,000 in all*, to whom the consumption of our cotton and woollen manufactures in Turkey afford subsistence at home.

We shall not hazard any more conjectures with regard to other articles; and the shipments of foreign and colonial produce are of far the greatest magnitude to Russia. They were as follows to Turkey in 1835.

Cochineal	53,339 lbs.
Coffee	747,935 „
Indigo	232,615 „
Pepper	29,756 „
Pimento	37,048 „
India piece-goods	4,090 pieces.
Idem	£300 value.
Rum	26,254 gallons.
Sugar unrefined	3,919 cwts.
Rice	3,995 „
Tea	7,836 lbs.

The rest are of trifling amount, and the whole may employ a capital of about £100,000.

* Or 38,000 at a higher rate of wages, as hereafter.

During the same year our principal imports from Turkey were:

Currants	309 cwts.
Figs	17,269 „
Hides	5,918 „
Madder-root	24,102 „
Oil	34,789 gallons.
Opium	77,986 lbs.
Ralsins	47,559 cwts.
Senna	10,258 lbs.
Silk	677,561 „
Goatskins	3,166 skins.
Lambskins	82,239 „
Tallow	6,016 cwts.
Tobacco in leaf	27,249 lbs.
Valonea	149,141 cwts.
Cotton-wool	557,949 lbs.
Sheeps-wool	1,281,839 „

In silk, the most important of these in value, there is a very considerable increase on the previous years, and of 6000 lbs. over the importation in 1828, the greatest up to that period. About 120,000 lbs. of the quantity may be Persian silk, which since 1827, or earlier, commenced arriving by way of Constantinople. Other articles are about the usual average quantity, but several of consequence are not specified in the custom-house returns, more particularly goats-wool, of which the annual supply had for some years been from 2000 to 3000 bales, until 1836, when it rose to 5000 bales, of the value of upwards of £20 each. The others omitted are carpets, box-wood, galls, otto of roses, yellow berries and some drugs.

We are also enabled to present a statement of the shipping employed in the trade for the last two years, continued from 1834.

	1835.		1836.		Increase.		Decrease.	
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.
Inwards	140	20,606	130	19,373	.....	.....	10	1,233
Outwards	150	23,733	158	27,212	8	3,479	.....	.....
Total.....	290	44,339	288	46,585	8	3,479	10	1,233
In 1834.....	274	39,477						
Increase in 1835 ...	16	4,862						
Do 1836 ...	...	2,246						
Decrease	2	.....					
Total increase 1836	14	7,108						

Which is an increase of 18 per cent. in tonnage since 1834, and 40 per cent. since 1827. In the Russian trade there has been an increase on a much larger scale, as it exceeded last year the amount of shipping in 1827. There were cleared outwards and inwards in 1836,

3,402 ships measuring 708,759 tons, of which there were
2,855 British „ 575,409 „, manned by 26,148 seamen.
Of 282 ships to and from the Turkish ports in 1836,
286 were British, measuring 46,005 tons, manned by 2,442 seamen.

Hence Russia employed a greater number of men by 23,706.

But the voyages not being one-third in duration of those to and from Turkey, whilst the crews are in full employ, they count triple for the latter in proportion, making 7,326, which, deducted from 26,148, makes the real excess 18,822 men. Further, estimating at three weeks the average time they are engaged, there would be constant pay and maintenance for 1,086 men*.

The difference from the respective amount of shipping employed, even if the calculation of the length of the voyages is not quite exact, is found therefore to be much less considerable than beforehand might be supposed. It still leaves a

	Persons.
* The account stands for Turkey 42,000 workmen and 6000 persons } maintained by profits of capital	48,000
2,442 seamen for nine weeks, equal to constant employ of	400
	Total 48,400
For Russia in Cotton and Woollen Manufactures	24,853
Maintained by £272,250 profits, at about £50 average, the same as for Turkey	5,600
26,148 British seamen for three weeks constant employ	1,509
	32,000
Balance for Turkey	16,400

This ought probably to be altered, as in an establishment at Manchester, including all branches of the cotton manufacture, spinning, weaving, &c. the average wages of all sorts of persons employed came last year to a little over twelve shillings a week, or 31*l.* 4*s.* per annum, and the rate followed is 22*l.* 10*s.* as given by Macculloch. Supposing the same difference should be made throughout, we ought to take off about one-fourth, or 10,400, from the 42,000 workmen for Turkey, and 6,200 from the 24,853 for Russia.

The aggregate will then stand for Turkey.....	38,000
Ditto Ditto Russia	25,800

And the final difference in favour of Turkey about ... 12,000

Whilst in taking the shipping for 1836 Russia has the preponderance.

balance against Russia of labour and maintenance for 12,000 to 16,000 persons, to be diminished by the advantages of the excess of capital (wages not included) invested in shipping, also in the export of foreign and colonial products from England, and the gain on the larger imports from Russia.

We have not taken into account our commerce with Egypt, a country which under a separate ruler still forms part of the dominions, and pays tribute to the supremacy, of the Porte. Our exports to Egypt have also progressively advanced since 1827, and in 1835 amounted to £269,225, of which £191,672 consisted of cotton-yarn and manufactures. This, considering the fertility of the country, and the revenue of £5,000,000 sterling which the Pacha derives from it, is still much under what the consumption ought to be, and would be under the milder government of the Porte. Being separately classed, the trade with Egypt comes only incidentally under notice, nor is it so liable to be affected by the same political changes as the rest of the Ottoman empire. No distinction of this kind holds good with regard to Syria, which has ever been and still is a part of Turkey in its common acceptance. Though now held by the son of Mehemet Ali, there is no warrant for considering it a detached province more than Epirus under Tebelenli Ali, unless the Sultan consents to renounce the right of investiture to the Government.

We have no wish to become usurpers in order to overrate the trade on one side, nor motive to depreciate on the other a valuable contributor to our national industry. But the superiority so unduly claimed for Russia is made a handle against Turkey; and those who would consent to the extinction of her independence, console us with the assurance that our commerce will share in the general benefit to humanity and civilization. The fallacy has not obtained credit with the country; whilst, as far as it makes any impression, it serves the purposes of an insidious power, which has no more dreaded enemies than justice and truth.

The Porte freely admits our manufactures within its territories: Russia excludes them. Some trifling exceptions only are made to the general prohibition of all save one article, yarn, which is indispensable for her own manufacture. In her new acquisitions the same system is enforced, and applied

to countries where she pretends to dominion without occupation. One of the two capital charges on which the Vixen was seized on the Circassian coast was the violation of the Russian tariff. We have in this instance the test of her liberality, and the measure of what we are to expect at her hands in Turkey. But we are told to look for compensation in the additional produce of Turkish industry under proper security and encouragement. All we have to give most valuable in exchange is sure to be rejected. Smuggling from the Archipelago, or by our own vessels on the coast, is then to be the sole resource in forcing the way for our manufactures. But besides custom-house officers, who might be corrupted, it happens there are bayonets and shot to encounter, and not the mildest laws to punish trespassers. Some obstacles of this kind must render the expedient so ineffectual in the Russian ports in the Baltic, where the inducement is equally great. Our wove cottons are no longer to be used in Turkey, Persia and the adjoining countries, that Russia may supply them from her own territory. The latent resources of Turkey are to be called into full vigour for the benefit of a Government which inculcates adoration of the Emperor next to, if not coordinate with, that of the Supreme Being,—which would extinguish if possible with freedom of trade, save such as she wills, all free institutions and freedom of thought throughout the world, and suppress every other form of Christian worship to establish the ascendancy of the Greek Church. In return for our acquiescence in the furtherance of such philanthropic objects, we are to have a prodigious increase in the demand for cotton-twist.

Looking at the internal effect upon Turkey, we find intolerance, inexorable military despotism, moral prostration, political espionage, with Siberia in reserve for its victims, substituted for an order of government which leans on none of these supports. The usurpation of their country by fraud or violence is to conciliate the affection of the Mussulmans, to be the harbinger of blessings that await them under the new reign of order and justice. Unenlightened by the divine spirit of the Gospel, they acknowledge the unity of the God of the creation and adore his name, and to all other religions they give full toleration. Whatever may be the design of inscrutable Providence, no nation has shown fewer examples of de-

parture from the faith of its ancestors, or seems less disposed to give them at the present day. The establishment of the Greek rite in the state ensures not one proselyte to Christianity : the reverence of the Turks for its doctrines is not to be excited by the gross corruption of all the delegates and subordinates of the Russian power. The national character of her hereditary subjects will not introduce the example of a purer standard of morals. The Mussulman code enjoins the practice of every charity, of every parental and filial duty. Amongst the Turks, a quiet and sober people, grave or atrocious crimes are more rare than perhaps in any country in Europe. None is governed with less sacrifice of human life to the laws of society : the execution of a malefactor of their nation is unheard of in the country, although amenable like the rest to the severest punishment. The Turks are respectful to their superiors and rulers ; submissive and docile, unless under the infliction of positive wrong ; courteous in their civilities ; simple but dignified in their manners even in the lowest station ; patient and resigned in misfortune. The Sultan, as the representative of the Caliphs and chief of the Mussulman faith, is the object of their veneration and obedience.

With the overthrow of his power, numbers, probably millions, would emigrate beyond the limits of the intrusive sovereignty, to engage in a deadly and ferocious border warfare, or adopt predatory habits for those of peace and order. The soil may change masters, and the population thinned of Mussulmans be recruited by other settlers ; the amount of human happiness is not therefore increased. Caresses ending in deception, and the love of home with all its interests and associations, might still retain a portion of the Mussulman inhabitants. The Christians would scarce have a different choice, and the unlimited despotism of the Russian government might be exercised at the expense of her own wretchedly peopled territory, to invigorate her new possessions by the sweat of slaves ; or her subjects would press voluntarily to share in the spoils, and enjoy the milder atmosphere and more luxurious products and scenery of the south. Constantinople, occupied as a unique military position, an unchangeable centre of industry and wealth, compensates for every expense, and gives time to mature plans yet unacknowledged.

An immense accession of continental power and maritime ascendancy in the Mediterranean immediately follow; all its ports and markets fall under the control of Russia, and our commerce there is at her mercy. She may require the assistance of England for the sale of her raw products, but is enabled to dictate the conditions of our intercourse, and the terms on which we may preserve peace. We have otherwise but the choice of a disadvantageous contest, or a perpetual war establishment to maintain the balance. In this ends the preference of Russian custom-houses to those of the Sultan.

Turkey, on the contrary, is not an aggressive or turbulent power; our commercial relations with her demand no sacrifices and entail no evils. Their further prosperity depends on the continuance of the authority of the Porte. In remaining calm spectators of events, by which it is in danger of being undermined, we are in reality abettors of calamities and destruction. Lamartine, who in his eloquent but injudicious lucubrations recommends this apathy, inculcates on Europe the doctrine of political suicide. Other means besides the employment of force are at our disposal to prop the Ottoman empire. The moral and political influence of England have never yet been fully exerted to raise its internal condition and fit it for self-protection, and the effect is untried. We have the path open to us, in furthering our commerce with the country, which it is admitted ought to be infinitely more extensive and profitable.

To those who impute to the religion or character of the Turks something incompatible with social and political improvement, we would merely point out the advances made under the present Sultan, and the acquiescence of the people in his measures. If they have not given full health or energy to the empire, neither has time permitted or the Porte been a free agent. In such brief space and under such adverse circumstances, the progress has been greater than could well be anticipated: it rests with us still to enlighten the Divan and the sovereign himself, to forward their task, and overcome those personal interests and fears on which Russia operates to impede the emancipation of the country. The ministers of the Porte were themselves desirous, in 1834, to amend their

commercial system in concert with England, demanding on our part an example of liberality in return. Several reductions were in consequence made by our Government in the duties on Turkish products, sufficient to induce us to carry out the principle in many cases where it ought still to be applied; and to authorize us to urge the correction of abuses on the other side, wherever they interfere with native industry and the interests of our trade in the Sultan's dominions. Amongst the privileges enjoyed there by the merchants was that of making purchases of produce from the original owners, and exporting every commodity not expressly prohibited. In this respect the monopoly of opium, which the Turkish Government took into its hands ten years back, was an innovation scarcely in accordance with the spirit of the treaties. The experiment has totally failed, and the product of the article (of which the Americans were the chief buyers for China), which formerly varied from 300,000lbs. to 450,000lbs. has dwindled to one-fourth the quantity. It is therefore as much for the interest of the customs as of the growers, that the latter should again be allowed to dispose of it to the highest bidders. But the Porte has alleged that there are grounds on which, though otherwise disposed, it cannot prudently dispense with this exercise of its authority. Russia allows her merchants to pay the same duties and conform to the same regulations as those of all other countries, although they possess privileges which, if strictly enforced, would subvert the established order of the Turkish finances. One of the articles of the treaty of Adrianople expressly stipulates, that the refusal to redress any the slightest commercial grievance shall give Russia the right of reprisals by war. She thus holds the lash over the Porte, which could only ensure the receipt of the full duties by extending the monopoly to all native products in case of necessity. This justification, if it had any weight, is no longer tenable under present circumstances, and renders it obviously more necessary to establish universal rates of foreign customs to the satisfaction of the mercantile and fiscal interests.

No other special monopoly exists in Turkey; but there are restrictions on particular articles, and local regulations, which also call for removal. Owing to these valonea is seldom to

be bought but from the authorities at the places of growth, or by special permission: the full export price consequently is not received by those who collect the acorn, although they must find a remuneration for their labour, since the same large quantities continue to be exported. With us it is extensively used in tanning and dying, in which 7,000 to 8,000 tons are annually consumed. Cheapness, in comparison with bark and other materials used for the same purpose, is the great requisite to increase its employment without limit, and the supply in Turkey is now only adequate to a high-priced demand. Wool is also engrossed in the same way in some parts of Roumelia, as at Adrianople and Salonica by the Pachas, who re-sell to the merchants, or derive a profit from their other contracts. The practice, which in that wide province is confined to particular districts, has not been introduced into Asia Minor, where the wool is obtained from first hands. From the immense tracts fit for sheep-pasturage throughout Turkey it might still be raised in far greater abundance, and the quality improved by new breeds. This is not properly encouraged, since, besides the partial abuse we have stated, firmans or patents are granted to individuals, authorizing them to collect in any district a certain quantity from the clip. The farmer is not obliged to part with his stock, and may exact the full value; but till the privileged party is served, or declines the terms, he is not free to sell to other competitors, who are always ready to give the market rate. The principle rather than the practice is injurious, as only the priority of supply is conferred on the buyer of the firman, but he may more or less influence the resident authorities in his favour. It must also happen that the fee which he pays to one of the ministers of the Porte, under whose jurisdiction the inland market lies, falls on the wool-grower in the end, or is divided with the purchaser.

Both these usages, when the authorities interfere in private bargains, are connected with the system of farmed revenues, borrowed from the lower empire: it bequeathed at the same time to its new sovereigns the superintendence of the public provisions. Hence regulations still exist for the supply of the capital with grain which are highly prejudicial to agriculture. The range of the law is confined, or its operation dor-

mant in times of abundant crops and foreign demand. A cargo of wheat, grown in the neighbourhood, was imported from Smyrna into England in 1831 with the permission of the governor. We also mentioned in a former number the large supplies sent from Scalanuova and the coast and islands southwards to Malta and other Mediterranean ports in the last years of the war. With its termination ceased also the inducement to the same extensive cultivation of grain, when the owners of the land might employ it more profitably in products of greater demand. It is also true that the rural population lost much in that quarter by the death of the last Karra Osmanoglu, and the decline of their family in power. Many Greeks besides emigrated at the time of the revolution, or removed into the towns for greater security.

The cultivation of wheat is now at a very low ebb in Asia Minor, and requires a powerful stimulant, which must commence by a free market at the capital. From its neighbourhood to Rodosto are spacious plains along the Marmora, of the richest soil, now lying neglected beyond the immediate vicinity of the towns and villages. These countries are alone capable of such production as to render Turkey independent of Russia for corn, unless on any extraordinary failure of the harvests, and in general to afford a superabundant supply. Bulgaria, whose well-cultivated plains and healthy crops now attract the attention of travellers, might export still more largely by the Danube, and rural industry start into vigour where it is now languid, bringing to life fresh germs of population, which Turkey so much wants.

Blame will naturally be thrown on the Porte for neglecting such advantages and inducements. Our censure or surprise may however be modified, when we reflect how few ages have elapsed since people and rulers nearer home became convinced that the only method of ensuring abundance of grain for use was permitting it freely to be sent abroad. This truth was necessarily later in reaching the Turks, who are behind us in abstract political science, though many of its best principles sprung up among them of native growth. Nor is the intelligence of the Government now so much at fault, as the subject did not escape the attention of the Sultan. With his usual promptness for any useful change, he was disposed to

follow the proper course: but his will was inefficient; and his ministers, who agreed in the benefits of the measure, were startled at all the consequences of becoming the rivals of Russia by a free trade in corn.

We may conceive how many endeavours towards improvement are dreaded as a trespass on the majesty of that power, when we learn that the veto of the Russian ambassador at Paris was last year sufficient to arrest the departure of twenty French officers, engaged as instructors to the Sultan's troops. But one solitary individual was allowed to evade the mandate; and he, with all the Poles employed in the same capacity, was obliged to quit the service before the year had expired. It would be an error to infer from these facts the constant ascendancy of Russia in the counsels of the Divan: they are selected to show what excuses that influence affords for retarding the most necessary of all reforms.

Oil requires also greater scope and freedom of sale, as the Capital must first be supplied before the disposal of the crop. The requisite quantity is chiefly furnished by the Aga of Mitylene, who is at the same time the contractor with the export merchants, and pays for the perquisites of his place. This island, with the country on the opposite main to the entrance of the gulph of Smyrna, and many other places around, are olive districts, as are the southern shore of the Marmora, Scio, Samos and the vicinity on the Turkish coast. From all these and Candia* we might derive a much larger supply, and promote the cultivation of this most useful article, were the duty still lowered from 4*l.* 4*s.* a ton. It now amounts to 10 per cent. on the market price in England, consequently from 20 to 30 per cent. on the prime cost, and its reduction would make the difference of our being enabled to employ oil for tallow in the manufacture of soap, besides many other purposes by which the consumption might be enlarged.

Our duties on timber cause its total exclusion from our trade with Turkey, where the forests of Albania afford inexhaustible

* We have now a consul there, and Mahomet Ali lately proposed to restore this island to the Porte. Although the richest place in the Levant for oil, and in all respects as valuable as it is an extensive possession, it scarcely pays the expense of keeping the people in subjection to his wretched government. Many of them are Greeks, who still retain the desire of independence, separately or in union with the new Hellenic state.

stocks of the finest oak, besides the more distant coasts of the Black Sea between Samsoun and Trebisonde and the banks of the Danube.

The copper of Tokat is chiefly sent to France, and we only allow the entrance of the foreign metal for re-exportation. With one or two exceptions of private property, the mines belong to the Porte, and extend from near Trebisonde to Mesopotamia, from the Euphrates to the confines of Persia: their produce, if they were properly worked, would be beyond all comparison with their present amount.

For hides, tallow and linseed, as well as their other exports, the Turkish provinces on the Danube ought to be more abundant sources of supply. Their prosperity, as well as that of Servia, a tributary of the Porte, requires the navigation of the river to be kept open; the encroachments of Russia upon this are the common concern of all nations.

We have dwelt only on such of the products of Turkey as have yet but partially figured in her export trade. Their development comes under consideration in the adjustment of the tariff; hence it is a matter of European interest, instead of being left upon the old plan as a matter of course to be settled between our merchants at Galata and the Turkish director of customs.

New rates of duty were then only to be substituted for those which had expired after a limited period, following the *ad valorem* basis of 3 per cent. for each article, according to the treaties. As the privileges of the merchants, in regard to imports, have remained intact from the earliest times, it was only necessary to abolish some internal duties to include all in one rate. One of these, and of recent date, is $2\frac{1}{2}$ per cent., levied from the subjects of the Porte, who are the intermediate buyers for consumption. The other is an ancient custom-duty of 3 to 5 per cent. when they forward the goods to a different part of the country for sale. From this impost Europeans were by courtesy exempted, it would seem, in framing their treaties, which contain an express stipulation for the free transit of their merchandize. The same privileges are conferred on the native merchants engaged in foreign trade, by a patent called a *berat*, obtainable for a very moderate sum; and the duty is unproductive, as the goods are

generally covered by the importers, with the tacit consent of the custom-house. Occasional disputes however occur on this head, during the continuance of which the necessary *tes-kiris* or permits are refused. The merchants justly consider the question here at issue as of great importance, and one which imperatively demands a clear and speedy decision. Different questions arose in treating of exports, as the Porte could not with propriety be called on to relinquish duties on home products which were advantageous to the revenue without injury to exportation. Some of these, beyond the rates established by the tariff, had also been paid by the merchants, with the sanction of their authorities. They could only now be consolidated and apportioned to each article, so as not to press on the cost of production. Our treaties are thus no longer in accordance with the fiscal system of the Porte, and require to be remodelled.

On the previous understanding to that effect, His late Majesty's Government sent out last year a new compact, framed on the most suitable basis for the reciprocal interests of the two countries. The ambassador declined pressing its acceptance, at a time when his influence was suspended by the endeavour to remove one of the Sultan's ministers implicated in a violation of British privileges. His Excellency consented to a subsequent proposal of the local authorities to appoint a commission of merchants to confer with them on the formation of one tariff for all countries, with some increase of import duties.

Since the commencement of their labours an important difficulty has been overcome, as the Russian tariff had eleven years to run, which was calculated for their products at rates less than half the *ad valorem* standard of 3 per cent. common to them with all others. M. Boutineff has made a surrender of this advantage, and agreed to come into the general arrangement,—“timeo Danaos et dona ferentes.” We can scarcely suspect the court of St. Petersburg of such inconsistency as being favourable to commercial and administrative reform in Turkey: the desire of some compromise, affecting none of the abuses by which she profits, or of the restraints maintained on her account, is far more natural.

Lord Ponsonby has now a colleague acting with him as a

joint party who will claim the merit of liberality for the concession. But His Lordship will be entitled to the higher praise, if he can, through this pledge, convert a usual opponent into a serviceable ally, in bringing the work to a happy conclusion. Whether this is effected by a universal contract between the Porte and foreign states, or that separately proposed by the British Government, is immaterial, since its operation was only to commence upon its receiving the same assent. The merchants may be anxious for an agreement on such points as are most urgent for the greater facility of business; but in adjusting even the per-centage on commodities there must be some departure from the old *ad valorem* standard. Their privileges in regard to internal trade, consistent with the rights of the sovereign power, require also to be better defined. On all these matters they may offer useful suggestions: to stipulate is beyond their province, and rests with the ministers of the Crown.

We look forward to an arrangement which shall carry into effect the objects of their first proposal, and accord with its principles. *These were an equivalent to be received by the Porte in one duty, payable at the shipping custom-house, for those of every description levied from the merchants or native subjects on imports and exports; and in return for the considerable increase allowed on Turkish products,—entire freedom of purchase and exportation, necessarily removing Government monopolies, local interference of authorities and individual privileges, and including an open trade in corn, oil and timber.*

The direct benefits to the Porte are the superseding of much useless and expensive machinery in the collection of duties on commodities, and the augmentation of their product by concentration at the capital and other sea-ports for account of Government. From the entire operation of the arrangement would spring up a new order of things, to change the present aspect and condition of Turkey, and invigorate its whole frame. No vested or patent rights stand in the way to be dealt with, and the perquisites and patronage of individuals concerned are attached to offices moveable at the will of the throne, or held only for one year. All the other obstacles to encounter, from prejudices, delays or intrigue, cannot resist the decision of the Sultan. We believe that his disposition is

to benefit his people ; and he possesses energy to have his resolutions, when once fixed, carried into effect. His ministers may be more or less averse to personal sacrifices, but all desire to see their country independent. The president of the council, Perteff Effendi, is one of the most national Turks in the empire, and a man of talents whom Russia has never been able to corrupt, and has in vain endeavoured to remove from office and favour.

With such a man at their head the whole Divan are ours, whenever we choose to command their devotion, by putting forth the full strength of our influence; and in the balance of interests the motives may be the strongest for performing their duty, in recommending to the sovereign a measure which, in altering the value, tends to the abolition of farms, and affects only the forms of administration, while it enriches alike the treasury and the subject*. By its accomplishment England gains a bloodless victory, more solid and fruitful than those of fleets or armies. We should repay with greater services all our injuries to a power which we have too often contributed to weaken and humiliate, and be dispensed from all the load and anxiety which its position now causes in our policy.

No interference follows with the choice of the ministers and other authorities of the Porte ; our only concern with the internal government would be, as now, for the protection of British subjects and privileges throughout the empire ; nor is there a single officer in place that would regard with indifference being denounced by the British ambassador to the supreme power for any infringement of our rights. Additional security would be given to the native subjects, inasmuch as greater freedom of intercourse for their products, and the exemption of ours from all imposts in their circulation, would be guaranteed to us by the throne. The internal amelioration to result is not of the nature which many would anticipate from certain vague notions prevalent as to the state of property in Turkey, according to which it is continually exposed to the rapacity of the Government or its officers.

* It is calculated that by receiving the taxes direct from the inhabitants of each district, without diminishing the rates, the Porte might double its revenues, now amounting to four millions sterling.

The land-taxes are equitably levied, and in general through the communities who apportion them among their own members. Real property is as sacred in Turkey as in any part of the world, and perhaps the least liable to disputed title-deeds. These are registered at appointed districts or other public offices, according to the nature of the tenure, with the greatest facility of transfer, on payment of the customary percentage. Personal property has also laws and common justice for its protection, as well as the interests of supreme despotism. For eleven years there is not a single instance of confiscation, or of interference with inheritances left by the servants of the state, but what is conformable with the ancient laws. We have visited one of the richest districts near the capital, which presents the more temptations to cupidity, and found the inhabitants left to the full enjoyment of their gains,—the houses of the common peasants comfortably furnished, even to superfluity. We have traversed Roumelia without hearing complaints of oppression, subject as that province is to evils which result from the defective system of the central government, and the misconduct of its delegates. Yet even the worst of these must pay some regard to popular opinion and rights, and the fear of fines which might be imposed by the Porte. We are not for palliating the abuses of power, but diminishing the opportunities for their commission. Provincial administration operates injuriously to industry, in the exaction of petty imposts on commodities, or other charges, which fall on the whole community ; in interfering with the disposal of some articles of produce,—not with realized capital and profits, but their accumulation or expenditure, to the discouragement of spirited enterprise or outlay on the soil. Salaried officers would have fewer pretexts to exercise their power for private gain, and no inducement to increase the Government revenue by unwarranted expedients.

When Mahomed II. introduced farms, he subverted the functions of the Turkish municipal councillors. They retained their office and title of Ayans, but had no longer the same control over the Pachas when they had purchased their places, and become owners of the revenue. Previously, says D'Ohsson, they were members of the provincial Divan, to advise in the administration, and could interpose their influ-

ence against oppression. The action of the municipal power is now more silent and limited, but it still exists and is acknowledged. Its vigour necessarily revives with the abolition of farms; and thus institutions requiring no new organization are re-animated, the most favourable to liberty in Turkey and to local contentment and prosperity.

The impulse once given to every branch of her industry, the products we now receive from her are capable of being doubled in a very few years, and others are developed which triple their means of consumption. We might safely look forward to its equalling two millions sterling in British manufactures within the territories of the Porte, besides the trade to Persia, and with every capability for progressive advance. The advantages we now derive from Turkey are known, but not the extent of her resources under an improved direction. Syria and Egypt may only be awaiting the same movement; and not all the military forces of Mahomet Ali and Ibrahim could keep these countries in subjection, when the contrast with the government of the Sultan becomes heightened to the utmost. Their reunion to the empire under his authority follows without a blow, or the inhabitants must be conciliated by a relaxation of tyranny, and the restitution of the rights of property, in which British commerce will truly share with the cause of humanity and justice.

To pave the way for these benefits, the zealous exertions of England are necessary; to secure them, we look to the labours of the plough rather than those of the statesman. The discipline of the armies of Turkey may be improved, her strength as a military power increased, by European science. There is enough of salutary spirit in the native laws and usages to enable the people to live contentedly and happily, without being disturbed by abstract theories of government, to which they are now strangers. Without becoming servile imitators of our systems or manners, the Turks have much to learn, and the Sultan deserves the credit of having opened various seminaries of education at the capital. A commencement has been made for instruction in the higher branches of knowledge at the Government college, and the imperfections of infancy are not decisive against its utility. There are now a number of Turkish youths occupied in England and on the

continent in acquiring the literature, arts and sciences of Europe, in which they display equal promptness and capacity. Their return may assist the progress of the college, enlighten the Government of which they may one day become members, and their attainments will alike spread knowledge and excite emulation*.

Looking at the situation of the country a few years back—in 1829, and again in 1833, and at what has since been done—facts will afford the best means of drawing conclusions for the future. The Porte, after all its disasters, paid off last year the arrears of a heavy debt to Russia. In 1831 the finances were so low that a serious mutiny broke out among the troops, from an attempt to reduce their pay but a trifle, when their number was 20,000 men. It has since been increased to 80,000 regulars, and 100,000 on the rolls,—a considerable body of militia organized,—the fleet augmented and better disciplined, without any branch of the service being in arrear. A revenue of four millions sterling is collected,—not from additional taxes, but administrative reforms and retrenchments. These are yet incomplete, and by opening all its sources the national income would be doubled. With the rest the currency ought to be amended, one of the most essential reforms. The present financial troubles of Turkey arise from extraordinary circumstances, which are everywhere felt. There is no public debt, and the productive powers of the country remain the same: on their employment the prospect of maintaining its independence finally rests. All our resolutions and precautions for its support will be ineffectual, unless attended with amelioration within, to give confidence to the people and Government in themselves.

In contributing to the security of Turkey, the objects of England are not for a day; they are for self-defence, and commercial and social relations, the only rational bond of connexion between states. To overbalance these, we are reminded of the expenses of our fleet in the Mediterranean, which, if the amount of our navy is superfluous, applies to every nation.

* Patronage of this description of merit is we know indeed wanting among some of the old ministers, and this is human nature; but knowledge is a power which in Turkey, as everywhere else, forces its way; men of talent and education are favoured and employed by the Sultan.

Russia keeps twenty-six ships of the line ready equipped in the Baltic, and twelve in the Black Sea, and this large force is attracting the serious attention of British officers, who are no alarmists. Neither is it easy to conceive with what power, unless England, she is preparing to contend. On the side of France, we see no reason to fear interruption of the good-will and harmony which subsist between the two countries, so long as we command her respect. The surest means would be an indication that we cease to uphold our maritime rank, whilst she has considerably increased her force. Even the United States' republic, the model of economical government and national policy, do not neglect their navy, and must consider ships of war either a safeguard of commerce or a useful state appendage. They have also long aimed at the acquisition of a station in the Mediterranean for their rendezvous,—a proof of the interest which the people of America attach to that quarter. The Atlantic must be crossed to reach their territory, and in their own quarter of the globe they are supreme. Their rising prosperity is viewed rather with satisfaction than regret by nations on this side, which envy the commercial and maritime superiority of England.

Of this disposition the German league is sufficient evidence; and it is patronized by Russia, which, there is little risk in concluding, hates us morally, commercially and politically, and looks on England as the great stumbling-block in her path to universal dominion. Our situation is then to be viewed distinctly in proportion to the rivalry or hostility to which it is exposed; and besides material interests, there are national honour and pride to maintain. So long as the mildest man in society is exposed to receive injuries which he must resent,—since life and wealth, without character, cease to be blessings,—will this apply to nations. A whole people attaches the same value to reputation and independence, and is more difficult to control, as being inaccessible to a universal mediator to allay provocation. We believe that England was never less disposed than at the present day for unnecessary wars or frivolous quarrels, and that we rather err on the side of over-forgiveness. Were all nations as peaceably inclined, we might be content with yachts instead of two-deckers, and revenue-cutters for frigates. But one turbulent neighbour dis-

turbs a whole community, and one restless and aggressive state prevents the tranquillity and may destroy the peace of all the rest. When once excited the people of England retain a spirit of resistance to wrongs and insults which no human power can quell. We have to choose between being provided with the means of redress—the surest to avert provocation or liability to war, under the afflicting certainty of disasters from an unguarded state. The cost of our force now employed in the Mediterranean is the least important side of the account, and must be compared with that which the whole nation would find indispensable if Turkey were in other hands. We have in all twelve ships of the line now in service; and so far as the number can with propriety be reduced, economy is an additional motive for rendering that country independent of all occasion for the presence of a squadron in its neighbourhood.

Our commercial flag would then perhaps be more respected in the Black Sea, as we should have easier means of compelling amends in case of trespass. We shall not anticipate the grounds on which all claims on the Russian Government for the seizure of the *Vixen* have been abandoned, as the papers are not yet laid before Parliament. Nothing however has transpired to alter the state of the facts on which our opinion was founded. The most reasonable conclusion is, that Her Majesty's ministers have carried the question to that point at which the responsibility of its further prosecution is transferred to the country.

ARTICLE VI.

Letters of Charles Lamb, with a Sketch of his Life. By
THOMAS NOON TALFOURD, 2 vols. Moxon, 1837.

HOWEVER the majority of us may be amused at a practical joke, there are very few persons who admire one when played off upon themselves. Perhaps our relish of the performance may be commensurate with our own aversion to be rendered equally ridiculous; as we commonly find the most satirical people are themselves the most sensitive to satire, the faculty having been cultivated to a degree that brings with it a correlative punishment in the great fear and tenderness on his own account experienced by the possessor. It may hence be inferred, that he who can make the wittiest remark or play off the smartest trick upon another, is in almost all cases the very man who would be most painfully alive to a similar attack, and but too often the most irritated and offended. He might perhaps swallow an indigestible sharp saying, and lay in wait for his enemy till some of the embrasures and outposts of his mind, in an unguarded moment, were left exposed, so that he might launch a satisfactory retort, or pour in a running fire; but, inasmuch as a practical joke is usually accompanied with personally humiliating circumstances which scarcely admit of an answer at the time (short of "high words," or a trial of corporal strength), and a future payment is not only problematical, but very apt to wear a look of revenge, the endurance is in most instances proportionately provocative. What then shall we say to the unique fact, that a man "of diminutive and *shadowy stem*,"—as Mr. Serjeant Talfourd finely describes him,—who seeing fit to endorse the said stem with an equally shadowy and umbrageous-brimmed hat, and finding, on the breaking up of an evening's merry-making, that his friends had bent upward and fastened the brim of his hat in somewhat of a Mother-Shipton fashion, should duly mount the same on his head, and wend homeward with a staid and measured pace; no doubt well satisfied in the latent notion of being something touched with a Baconian aspect, or presenting an adumbration of the forms of the Elizabethan age?

—moreover, that the evening or the morning of the same day being the 5th of November, and some of our London youth reeling jocund through the obscure streets, they caught sight of the little, dingy and humourously pragmatistical figure in a high-crowned olden hat, and shouting forth, "This is the veritable Guy—no man of straw!" lifted him up, and carried him along upon their crossed arms, with all "pride, pomp and circumstance" befitting the association;—but that, so far from feeling the slightest resentment at the indignity thus offered his person, he entered into the joke, and took the principal part in it by entire and rigid quiescence, till finally they seated him upon a post in Paul's Churchyard, and in this position left him; where doubtless he remained a while in high abstraction, anticipating the return of the reeling royalists with the flambeaux and fagots, who would duly proceed to consume the object and consummate the plot?

To be proud of being made a Guy Faux was an eccentric phase in the flaming orb of ambition reserved for the original and old-English genius of Charles Lamb. He was himself accustomed to relate the foregoing story with great and grave satisfaction, and ever manifested a profound interest in the character of that annual martyr. Hazlitt declared he believed Lamb had never heartily forgiven him for introducing Guy Faux in one of his essays in a way which the offended Lamb considered tantamount to taking the subject out of his hands—hands to which, by sublime identification, it rightfully belonged. It seems indeed that Lamb had borne the name of "Guy" among his intimate friends ever since the event recorded, and Mr. Serjeant Talfourd tells us that a gentleman, to whom he was once introduced by that cognomen, continually exchanged nods with him in the street during thirty years, and only learned with astonishment after his death that it was Charles Lamb whom he had so often saluted, and not old Mr. Guy!

Amidst all their wit and humour these volumes contain much that is profoundly serious. Nor have we dwelt upon the foregoing anecdote merely on account of its humorous originality, but rather as it offers various new and striking features, illustrative of individual character. Such an instance of the temporary resignation of personal identity to a

practical joke, and the gratified transposition of self-consciousness to an object which has been the butt and ban, the mockery and the mouthing of wintry time ; which ragged boys and toothless hags, and the "profane vulgar," collectively, during so many years, have exalted in odium, followed and hooted at by day, and squibbed and danced round in the fiery orgies of countless nights ; not omitting the self-complacent feeling manifested ever after in the extraordinary metamorphose of name and recognised personality he had undergone ; could only have occurred to such a lover of old times, old forms, old characters and old superstitions as Charles Lamb, and possessing his rich vein of sedate humour and amiable temper. As Sir Thomas Brown once observed that he could never thoroughly prevail upon himself to hate even the devil, so the deep and peculiar sympathies of Lamb with the objects of the past, made him ready to change places with a less distinguished and less deserving sufferer, whose mischief pre-pense (never accomplished, but for which he endured the torture,) he considered had been more than sufficiently expiated ; thinking it only humane to give that vexed and indignant spirit rest by taking his ideal humanities upon himself, and relieving him from future responsibilities on earth. We do think this could only have been felt and fancied by Charles Lamb, to say nothing of the actual nominal adoption.

Among various other peculiarities marking his character, and its outward influences, we should notice the circumstance of his being invariably called *Charles* Lamb, even from his earliest school-days, when he already manifested the retiring habits "and self-concentration of a young monk."

" 'Lamb,' says Mr. Le Grice, 'was an amiable, gentle boy, very sensible and keenly observing, indulged by his schoolfellows and by his master on account of his infirmity of speech. His countenance was mild ; his complexion clear brown, with an expression that might lead you to think that he was of Jewish descent. His eyes were not each of the same colour : one was hazel, the other had specks of grey in the iris, mingled as we see red spots in the blood-stone. His step was plantigrade, which made his walk slow and peculiar, adding to the staid appearance of his figure. I never heard his name mentioned without the addition of Charles, although, as there was no other boy of the name of Lamb, the addition was unnecessary ; but there was an implied kindness in it, and it was a proof that his gentle manners excited that kindness.' "

—Vol. i. pp. 5, 6.

His early and long residence in the Temple, with all the influences it exercised, is thus described, both by himself and his biographer.

"He says, 'I was born and passed the first seven years of my life in the Temple': he might have added, that here he passed a great portion of the second seven years of his life, a portion which mixed itself with all his habits and enjoyments, and gave a bias to the whole. Here he found a happy home, affectionate parents, and a sister who watched over him to the latest hour of his existence (God be with her!) with the tenderest solicitude; and here he had access to the library of Mr. Salt, one of the Benchers, to whose memory his pen has given in return for this and greater favours—I do not think it extravagant to say—immortality. To use his own language, 'Here he was tumbled into a spacious closet of good old English reading, where he browsed at will upon that fair and wholesome pasturage.' He applied these words to his sister; but there is no doubt they 'browsed' together; they had walked hand in hand from a time 'extending beyond the period of their memory.'"—Vol. i. p. 7.

Owing to an impediment in his speech, added to his indisposition to the clerical profession, Lamb was not sent to the University; but "he always in after life regarded the ancient seats "of learning with the fondness of one who had been hardly "divorced from them," and liked to pass his leisure hours in roving among them, and indulging the associations they suggested. We were rather surprised—though the bias is but natural to one of high classical attainments—on finding, after the expression of Lamb's regret, that his biographer should immediately "take him at his word," and exclaim, "What "worldly success can, indeed, ever compensate for the want of "timely nurture beneath the shade of one of these venerable "institutions," &c. If we read the passage aright, (though the term "worldly success" admits of two constructions, between literature and the India House,) this must mean that Charles Lamb would have written and said finer things if he had been educated at the University. In such an opinion we cannot coincide; and his "Sonnet written at Cambridge" gives us no reason for thinking otherwise, but rather confirms our impression.

"I was not train'd in academic bowers,
And to those learned streams I nothing owe,
Which copious from those fair twin founts do flow;
Mine have been any thing but studious hours.

Yet can I fancy wandering 'mid thy towers,
 Myself, a nursling, Granta, of thy lap;
 My brow seems tightening with the doctor's cap,
 And I walk gowned: feel unusual powers.
 Strange forms of logic clothe my admiring speech;
 Old Rama's ghost is busy at my brain;
 And my skull teems with notions infinite.
 Be still, ye reed of Comus, while I teach
 Truths, which transcend the searching schoolman's vein,
 And half had stagger'd that stout Stagyrte!"—Vol. i. p. 9.

Now we cannot help thinking that to a mind like Charles Lamb's it was better to imagine than to have experienced, and that the foregoing sonnet is much finer than any one he might, under different circumstances, have written as a recollection of having been educated at Cambridge. We are the more induced to believe we have not perverted the learned editor's meaning in our remarks, from a passage which occurs some pages onward, where, in speaking of Charles Lloyd, it is said that he had recently emancipated himself from certain sectarian trammels, "and, smitten with the love of poetry, had become a student of the University of Cambridge,"—as though Lamb's love of poetry should also have had a natural connection with the University, and been chiefly devoted to the poetry of the dead languages.

The earlier periods of Lamb's life were characterized by a strong religious feeling, and though seldom manifested in after years, not to mention sundry startling jokes, it was never extinguished. It seems to have fared differently with his youthful passion for some "fair-haired maid," and he relinquished the hope, apparently without making any effort to realize it, and subsequently affected to turn traitor to his heart, or assumed a levity, an indifference, or a casuistic reasoning which is painful even to read.

"For it is a passion of which I retain *nothing*; 'twas a weakness, concerning which I may say, in the words of Petrarch (whose life is now open before me), "if it drew me out of some vices, it also prevented the growth of many virtues, filling me with the love of the creature rather than the Creator, which is the death of the soul." Thank God, the folly has left me for ever."—Vol. i. p. 46.

"I am wedded, Coleridge, to the fortunes of my sister and my poor old father. O! my friend, I think sometimes could I recall the days that are past, which among them should I choose? not those 'merrier

days,' not the 'pleasant days of hope,' not 'those wanderings with a fair-hair'd maid,' which I have so often and so feelingly regretted; but the days, Coleridge, of a *mother's* fondness for her *school-boy*. * * * * * O, my friend, cultivate the filial feelings! and let no man think himself released from the kind 'charities' of relationship; these shall give him peace at the last; these are the best foundation for every species of benevolence. I rejoice to hear by certain channels that you, my friend, are reconciled with all your relations. 'Tis the most kindly and natural species of love, and we have all the associated train of early feelings to secure its strength and perpetuity.'"—Vol. i. pp. 51, 52.

Several curious propositions are involved in the foregoing quotations, but whatever circumstances may have led to their adoption, nobody can well doubt that it is quite as natural for a man to love his wife as his mother or sister. Even the question of early and continuous associations, with reference to the former, might also form the groundwork of a tough metaphysical argument as to something like equality; for in all instances of strong sympathy with any one, however recently met, do we not feel to have known such a person all our lives? Be this as it may, we think that Lamb's early attachment was more of an imaginary feeling or sentiment, than a passion having a strong tendency to possess the reality. This may appear very extraordinary in such a devoted lover of the old dramatists, and what he truly calls "their vigorous passions;" not because his own particular devotion might nevertheless have been equally and consistently an idealism, and that these old dramatic "truths" of by-gone loves served him in the place of personal desire and will; but because he compromises, as to the past, and resigns the whole feeling for the future, even as an idealism. Something else might perhaps be said, but it may occasion pain to pursue the subject; moreover, these volumes abound with highly interesting and unequivocal instances and illustrations of his very original character.

We find through all the earlier letters of the first volume an affectionateness of style and sensitive sincerity of feeling which gradually wears off, or rather becomes hidden under his wit, though breaking out in all its force on great occasions. He expresses his love for Coleridge, acknowledges his obligations, and alludes to the scenes of their first intimacy with a truthful simplicity which is very interesting and affecting.

" 'When I read in your little volume the effusion you call 'the Sigh,' I think I hear you again. I imagine to myself the little smoky room at the Salutation and Cat, where we sat together through the winter nights beguiling the cares of life with poetry.' This was early in 1796; and in 1818, when dedicating his works, then first collected, to his earliest friend, he thus spoke of the same meetings :—' Some of the sonnets, which shall be carelessly turned over by the general reader, may happily awaken in you remembrances which I should be sorry to doubt are totally extinct,—the memory "of summer days and of delightful years," even so far back as those old suppers at our old inn—when life was fresh, and topics exhaustless,—and you first kindled in me, if not the power, yet the love of poetry, and beauty, and kindliness.'"—Vol. i. pp. 15, 16.

" 'I am heartily sick of the every-day scenes of life. I shall half wish you unmarried (don't show this to Mrs. C.) for one evening only, to have the pleasure of smoking with you, and drinking egg-hot in some little smoky room in a pot-house, for I know not yet how I shall like you in a decent room, and looking quite happy. My best love and respects to Sara notwithstanding.'"—Vol. i. pp. 42, 43.

Lamb's affection for his sister, continually expressed to all his correspondents, is finely conveyed in one of his letters to Coleridge, the very excess of the feeling causing him to fear that he was deficient in its manifestations towards her, and almost beggared of further means of showing his regard.

" 'I have another sort of dedication in my head for my few things, which I want to know if you approve of, and can insert. I mean to inscribe them to my sister. It will be unexpected, and it will give her pleasure; or do you think it will look whimsical at all? as I have not spoke to her about it, I can easily reject the idea. But there is a monotony in the affections, which people living together, or, as we do now, very frequently seeing each other, are apt to give into; a sort of indifference in the expression of kindness for each other, which demands that we should sometimes call to our aid the trickery of surprise.'"—Vol. i. pp. 48, 49.

He again alludes in a very affecting manner to his happy hours with Coleridge, and to the absence of sympathy with him among those by whom he is surrounded.

" 'I had rather hear you sing "Did a very little baby" by your family fire-side, than listen to you, when you were repeating one of Bowles's sweetest sonnets, in your sweet manner, while we two were indulging sympathy, a solitary luxury, by the fire-side at the Salutation. Yet have I no higher ideas of heaven. Your company was one "cordial in this melancholy vale"—the remembrance of it is a blessing partly, and partly a curse. When I can abstract myself from things present, I can enjoy it with a freshness of relish; but it more constantly operates to an unfavourable comparison with the uninteresting converse I always and

only can partake in. Not a soul loves Bowles here : scarce one has heard of Burns ; few but laugh at me for reading my Testament,—they talk a language I understand not, I conceal sentiments that would be a puzzle to them. I can only converse with you by letter, and with the dead in their books. My sister, indeed, is all I can wish in a companion ; but our spirits are alike poorly, our reading and knowledge from the self-same sources ; our communication with the scenes of the world alike narrow.”—Vol. i. pp. 54, 55.

His letter to Coleridge, showing how friendship is injured by neglect, is full of pathos.

“ ‘ Coleridge, I am not trifling, nor are these matter-of-fact questions only. You are all very dear and precious to me ; do what you will, Col., you may hurt me and vex me by your silence, but you cannot estrange my heart from you all. I cannot scatter friendships like chuck farthings, nor let them drop from mine hand like hour-glass-sand. I have but two or three people in the world to whom I am more than indifferent, and I can’t afford to whistle them off to the winds.’ ”—Vol. i. pp. 77, 78.

His recollections of his visit to Coleridge, vol. i., p. 140, are very touching, particularly where he asks to have his great coat sent after him by the wagon, he having left it behind him “in the oblivious state the mind is thrown into at part-*ing*,” and envying the said habiliment for “lingering so cunningly behind.” The letter to Mr. Manning (vol. i. p. 285) on his departure for China manifests strong feeling, while the one occasioned by his sister’s illness shows all the bewilderment of deep affection, which knows not how to express its apprehensions or alleviate the cause.

“ ‘ My dear Miss Wordsworth,—I try to think Mary is recovering ; but I cannot always feel it ; and meanwhile she is lost to me, and I miss a prop. All my strength is gone, and I am like a fool, bereft of her co-operation. I dare not think, lest I should think wrong ; so used am I to look up to her in the least and the biggest perplexity. To say *all that I feel her*, would be more than I think anybody could possibly understand ; and when I hope to have her well again so soon, it would be sinning against her feelings to go about to praise her ; for I can conceal nothing that I do from her. She is older and wiser, and better than me, and all my wretched imperfections I cover to myself by resolutely thinking on her goodness. She would share life and death with me. She lives but for me ; and I know I have been wasting and teasing her life for five years past incessantly with my ways of going on. But even in this upbraiding of myself I am offending against her, for I know that she has cleaved to me for better, for worse ; and if the balance has been against her hitherto, it was a noble trade. I am stupid, and lose myself in what I write. I write rather what answers to my feelings (which are sometimes sharp

enough) than express my present ones, for I am only flat and stupid."—Vol. i. pp. 262, 263.

It is seldom that we see nature and the affections so beautiful and so unadulterated as in the passage just quoted. We have previously alluded to Lamb's frequent practice of giving a motley cover to what he felt, or hiding it under dry wit or levity. An instance occurs in one of his letters to Mr. Manning. He is lamenting the departure of his friend Rickman, and declares that he prefers him far before a long list of other friends.

" ' But Mr. Burke has explained this phenomenon of our nature very prettily in his letter to a Member of the National Assembly, or else in appeal to the old Whigs, I forget which—do you remember an instance from Homer? (who understood these matters tolerably well,) of Priam driving away his other sons with expressions of wrath and bitter reproach, when Hector was just dead?

" ' I live where I did in a *private* manner, because I don't like *state*. Nothing so disagreeable to me as the clamours and applauses of the mob. For this reason I live in an *obscure* situation in one of the courts of the Temple.

" ' C. L.' "

—Vol. i. p. 211.

The last paragraph is highly humorous, and indeed it is time we gave some specimens of that rare and richly original vein in Charles Lamb. He is giving Coleridge an account of one of those mawkish parties where male and female *literati* meet to exchange the jargon of mechanical criticism and efforts of sentiment, scandalize genius, and "sit upon" all popular "nothings of much sound."

" ' We then sat upon the comparative merits of the ten translations of "Pizarro," and Miss B—— advised Mary to take two of them home; she thought it might afford her some pleasure to compare them *verbatim*: which we declined. It being now nine o'clock, wine and macaroons were again served round, and we parted, with a promise to go again next week, and meet the Miss Porters, who, it seems, have heard much of Mr. Coleridge, and wish to meet *us*, because we are *his* friends. I have been preparing for the occasion. I crowd cotton in my ears. I read all the reviews and magazines of the past month, against the dreadful meeting; and I hope by these means to cut a tolerable second-rate figure.

" ' Farewell, dear Substance. Take no umbrage at anything I have written.

" ' C. LAMB,
" ' *Umbra*.

" ' Land of Shadows,

" ' Shadow-month the 16th or 17th, 1800.'—Vol. i. pp. 158, 159.

Lamb wrote various letters to his friend Manning to dissuade him from going to China. They all contain genuine feeling, mingled with the utmost humour.

" 'I tremble for your Christianity. Read Sir John Mandeville's Travels to cure you, or come over to England. There is a Tartarman now exhibiting at Exeter Change. Come and talk with him, and hear what he says first. Indeed, he is no very favourable specimen of his countrymen! But perhaps the best thing you can do, is to *try* to get the idea out of your head. For this purpose repeat to yourself every night, after you have said your prayers, the words, Independent Tartary, Independent Tartary, two or three times, and associate with them the *idea* of *oblivion*, ('tis Hartley's method with obstinate memories) or say, Independent, Independent, have I not already got an *independence*? That was a clever way of the old puritans, pun-divinity. My dear friend, think what a sad pity it would be to bury such *parts* in heathen countries, among nasty, unconvincible, horse-belching, Tartar people! Some say, they are Cannibals; and then, conceive a Tartar-fellow *eating* my friend, and adding the *cool malignity* of mustard and vinegar! I am afraid 'tis the reading of Chaucer has misled you; his foolish stories about Cambuscan, and the ring, and the horse of brass. Believe me, there are no such things, 'tis all the poet's *invention*. * * * * Read no books of voyages (they are nothing but lies), only now and then a romance, to keep the fancy *under*. Above all, don't go to any sights of *wild beasts*. *That has been your ruin*. Accustom yourself to write familiar letters, on common subjects, to your friends in England, such as are of moderate understanding; and think about common things more. * * * Have a care, my dear friend, of Anthropophagi! their stomachs are always craving. 'Tis terrible to be weighed out at five pence a-pound; to sit at table (the reverse of fishes in Holland), not as a guest, but as a meat.

" 'God bless you: do come to England. Air and exercise may do great things. Talk with some minister. Why not your father?

" 'God dispose all for the best. I have discharged my duty.

" 'Your sincere friend,

" 'C. LAMB.

" '19th February, 1803, London.'"—Vol. i. pp. 245-248.

In a letter to Mr. Manning, when in China, Lamb's comic genius shines out in its most jocose style.

" 'So much for a very delicate subject. It is hard to speak of one's self &c. Holcroft had finished his life when I wrote to you, and Hazlitt has since finished his life; I do not mean his own life, but he has finished a life of Holcroft, which is going to press. Tuthill is Doctor Tuthill. I continue Mr. Lamb. I have published a little book for children on titles of honour; and to give them some idea of the difference of rank and gradual rising, I have made a little scale, supposing myself to receive the following various accessions of dignity from the king, who is the fountain of honour—as at first, 1. Mr. C. Lamb; 2. C. Lamb, Esq.; 3. Sir C. Lamb,

Bart. ; 4. Baron Lamb of Stamford ; 5. Viscount Lamb ; 6. Earl Lamb ; 7. Marquis Lamb ; 8. Duke Lamb.'"—Vol. i. pp. 313, 314.

Not content with this elevation, however, he presently adds, that in his dreams he has imagined himself "still advancing, "as 9th, King Lamb ; 10th, Emperor Lamb ; 11th, Pope "Innocent, higher than which is *nothing*."

" 'Puns I have not made many, (nor punch much) since the date of my last ; one I cannot help relating. A constable in Salisbury Cathedral was telling me that eight people dined at the top of the spire of the cathedral, upon which I remarked, that they must be very sharp set. But in general I cultivate the reasoning part of my mind more than the imaginative. I am stuffed out so with eating turkey for dinner, and another turkey for supper yesterday (Turkey in Europe, and Turkey in Asia,) that I can't jog on. It is New-year here ; that is, it was New-year half-a-year back, when I was writing this. Nothing puzzles me more than time and space, and yet nothing puzzles me less, for I never think about them. The Persian ambassador is the principal thing talked of now. I sent some people to see him worship the sun on Primrose-hill, at half-past six in the morning, 28th November ; but he did not come, which makes me think the old fire-worshippers are a sect almost extinct in Persia. The Persian ambassador's name is Shaw Ali Mirza. The common people call him Shaw nonsense.'"—Vol. i. pp. 314, 315.

The height of the ludicrous is certainly attained in the idea of Lamb sending people out on a dark winter's morning for such a purpose, and then gravely drawing a guarded opinion of an old fact from the non-attendance of the chief performer in the scene ; while the political feeling of the people is satirically conveyed, and suggests to the imagination the gifts of horses and cunningly-devised pipes, worth some thirty pieces (not very large) of Persian gold, presented to George IV. by various foreign worthies, valued by them and the newspapers at £500 sterling ; in return for which they received from the nation, through its royal purse-bearer, snuff-boxes and miniatures inlaid with jewels to the assumed amount of their nonsense.

The first volume of these letters contains a very interesting account of Godwin's tragedy, which was damned ; some allusion to a yet unpublished tragedy by Wordsworth ; and a full and most humorous narrative of Lamb's farce, with the screaming, hissing and yelling reception vouchsafed to it by the intelligent public. We do not mean to insinuate that the farce in question was not characterized by playful words rather

than playful actions, or that Godwin's tragedy did not contain far more of sentiment than situation ; but constituted as the theatre is at present in England, accordant with the popular feeling, which is reflected and encouraged by the great majority of its critics and *soi-disants* instructors ; the most masterly developments of passion, the noblest poetry and the finest wit might be immediately hooted from the stage, unless even a sparing use of such objectionable qualities were hidden beneath the glare of striking effects, and "carried off" in rapidity of action. Ardently coinciding with Mr. Serjeant Talfourd in his wish that the publication of the tragedy of the great modern poet should no longer be withheld, we should yet tremble at the bare idea of an attempt at its presentment and desecration on the present stage. There are hopes of the renovation of the stage ; hopes, too, that are not without foundation ; but what has been its condition during the last six or seven years ? It has been a disgrace to the age. The brilliant talents and energy of two or three individuals have alone preserved the drama from extinction, and kept it flickering in the socket. The elementary principles of passion in a dramatic work should be the first consideration : with the managers, the public, and nearly every one of the critics, they are the last, or rather not considered at all. The poetry illustrative of active character should next be estimated ; but poetry, however to the point, is declared supererogatory and undramatic. When the critics use the terms "dramatic" and "undramatic," they evidently mean "theatrical" and "untheatrical." Such is the reaction of bad managerial influence ! That influence has only desiderated the sock, the buskin, and the mask of tragedy and comedy—not the body ; the scaffolding and the skeleton of action, not the full-hearted fabric of impassioned man.

Nothing can be finer than the critical taste of Charles Lamb, whether in dramatic literature, in painting, or in old books ; and indeed on almost every subject he touches. We might make an exception, perhaps, as to music, of which he was an indifferent judge ; and certainly we cannot agree that Braham's singing, at any time and under any circumstances, was finer than the acting of Siddons and Kemble ; vol. i. p. 304. He is quite enthusiastic about his fanciful impression,

or we should have thought it one of his grave jokes, as when he elsewhere says, "I sometimes think the lower notes in my voice are like Mrs. Bland's." But as to his brief remarks on old books, no elaborate criticism could surpass the entire truthful picture he conveys. How broad and well-founded is the theory he inculcates with regard to historical writings, in the first few sentences of the following passage!

" 'I read histories of the past, and I live in them; although, to abstract senses, they are far less momentous, than the noises which keep Europe awake. I am reading "Burnet's own Times." Did you ever read that garrulous, pleasant history? He tells his story like an old man past political service, bragging to his sons on winter evenings of the part he took in public transactions, when "his old cap was new." Full of scandal, which all true history is. No palliatives; but all the stark wickedness, that actually gives the *momentum* to national actors. Quite the prattle of age, and outlived importance. Truth and sincerity staring out upon you perpetually in *alto relievo*. Himself a party man—he makes you a party man. None of the cursed philosophical Humeian indifference, so cold and unnatural and inhuman! None of the cursed Gibbonian fine writing, so fine and composite! None of Dr. Robertson's periods with three members! None of Mr. Roscoe's sage remarks, all so apposite, and coming in so clever, lest the reader should have had the trouble of drawing an inference! Burnet's good old prattle I can bring present to my mind; I can make the revolution present to me.'"—Vol. i. pp. 190, 191.

We cannot exactly agree as to the advantage of all histories being written by party men, unless we had the same histories equally well written by men of opposite parties. We might then take our own opinion between them as to facts. His remarks on Hume, Gibbon and Robertson are of course not to be taken in a literal sense of denunciation. He only means to make a sweeping attack upon their respective systematic principles of composition as not calculated to convey the fullest and faithfulest pictures and impressions.

Lamb's fine feeling towards those for whom he entertained the greatest regard, peers out every now and then from beneath a three-cornered pun, or shows itself under a comic mask amidst a running fire of the most whimsical jokes. Writing to Hazlitt he says,—

" 'I met Mrs. H. one day and agreed to go on the Sunday to tea, but the rain prevented us and the distance. I have been to apologize, and we are to dine there the first fine Sunday! Strange perverseness! I never went while you staid here, and now I go to *find you*. What other news

is there, Mary? What puns have I made in the last fortnight? You never remember them. You have no relish of the comic. "O! tell Hazlitt not to forget to send me the American Farmer. I dare say it is not so good as he fancies; but a book 's a book." I have not heard from Wordsworth or from Malta since. Charles Kemble, it seems, enters into possession to-morrow. We sup at 109 Russell-street this evening. I wish your friend would not drink. It 's a blemish in the greatest characters.'" —Vol. i. pp. 269, 270.

" 'I wrote you the other day in a great hurry. Did you get it? This is merely a letter of business at Godwin's request. Lord Nelson is quiet at last. His ghost only keeps a slight fluttering in odes and elegies in newspapers, and impromptus, which could not be got ready before the funeral.'" —Vol. i. p. 272.

" 'Mary begs her kind remembrances. Pray write to us. This is no letter, but I supposed you grew anxious about Johnson.

" 'N.B. Have taken a room at three shillings a-week, to be in between five and eight at night, to avoid my *nocturnal*, alias *knock-eternal* visitors.'" —Vol. i. p. 275.

The unaffected simplicity with which he frequently alludes to his straitened worldly circumstances is characteristic of a genuine dignity of nature, and an easy, unforced magnanimity, calmly reposing upon the truth of things—worthy of especial notice in a mercantile country like ours, where wealth is one of the cardinal virtues and poverty a shameful crime. The deficiency among our literary men in general of a similar feeling, above conventional forms and circumstances, is the chief cause why so comparatively small a number of them are on terms of intimacy with each other, and not the jealousy, or political animosity of which they are often accused. This is much to be regretted, because a personal communion among the majority of such men would produce a greater unanimity of opinion, supersede many vexatious and hurtful quarrels, and greatly improve the intellect of the country, which is at present directed by men who are too insulated from each other, as from diversified society; even when not self-involved and solitary thinkers, they are still too much mixed up with particular clubs, cliques and exclusive parties, where few opinions beside their own are tolerated, or indeed are likely to be mooted. We think a chief cause of this is not so much difference of opinion as difference of income. Lamb evidently felt that whatever advantages may be derived from a

tailor and upholsterer, a man was not the least altered by not being the possessor of, or not having any sympathy with, tables and chairs, and red and white bricks, and full-dress dinner-parties—even in England. How noble a sentiment is conveyed in the following passage!

“ ‘If presents be not the soul of friendship, undoubtedly they are the most spiritual part of the body of that intercourse. There is too much narrowness of thinking in this point. The punctilio of acceptance, methinks, is too confined and strait-laced. I could be content to receive money, or clothes, or a joint of meat from a friend. Why should he not send me a dinner as well as a dessert? I would taste him in the beasts of the field, and through all creation. Therefore did the basket of fruit of the juvenile Talfourd not displease me; not that I have any thoughts of bartering or reciprocating these things. To send him any thing in return would be to reflect suspicion of mercenariness upon what I know he meant a free-will offering. Let him overcome me in bounty. In this strife a generous nature loves to be overcome.’ ”—Vol. ii. pp. 7, 8.

One of the letters to Mr. Manning in China, after a long absence, wherein Lamb anticipates the mutations of time at home by pretending that most of their mutual friends are already dead, is full of pathetic reality amidst all its *then* unreal shadowings. But the difference between fiction and final truth was only a matter of a few years: many of his sad-humoured fancies are now as much a fact as his own burial. After describing the assumed death of his sister, he says:

“ ‘Scarce here and there one will be able to make out your face; all your opinions will be out of date, your jokes obsolete, your puns rejected with fastidiousness as wit of the last age. Your way of mathematics has already given way to a new method, which after all is I believe the old doctrine of Maclaurin, new vamped up with what he borrowed of the negative quantity of fluxions from Euler.

“ ‘Poor Godwin! I was passing his tomb the other day in Cripplegate church-yard. There are some verses upon it written by Miss —, which if I thought good enough I would send you. He was one of those who would have hailed your return, not with boisterous shouts and clamours, but with the complacent gratulations of a philosopher anxious to promote knowledge as leading to happiness—but his systems and his theories are ten feet deep in Cripplegate mould. Coleridge is just dead, having lived just long enough to close the eyes of Wordsworth, who paid the debt to nature but a week or two before—poor Col., but two days before he died, he wrote to a bookseller proposing an epic poem on the “Wanderings of Cain,” in twenty-four books. It is said he has left behind him more than forty thousand treatises in criticism, metaphysics, and divinity, but few of them in a state of completion. They are now

destined, perhaps, to wrap up spices. You see what mutations the busy hand of Time has produced, while you have consumed in foolish voluntary exile that time which might have gladdened your friends—benefited your country; but reproaches are useless. Gather up the wretched reliques, my friend, as fast as you can, and come to your old home. I will rub my eyes and try to recognise you. We will shake withered hands together, and talk of old things—of St. Mary's church and the barber's opposite, where the young students in mathematics used to assemble. Poor Crips, that kept it afterwards, set up a fruiterer's shop in Trumpington-street, and for aught I know resides there still, for I saw the name up in the last journey I took there with my sister just before she died. I suppose you heard that I had left the India House, and gone into the Fishmongers' Almshouses just over the Bridge. I have a little cabin there, small and homely, but you shall be welcome to it. You like oysters, and to open them yourself; I'll get you some if you come in oyster time. Marshall, Godwin's old friend, is still alive, and talks of the faces you used to make.'"—Vol. ii. pp. 20-22.

Charles Lamb numbered among his personal friends nearly all of the most eminent men of the time; those who, if not the most popular then or at present, are destined to be read and admired when the others are forgotten. They continually met at Lamb's chambers to enjoy his and each other's society,—a fine illustration of how much good may be effected by one man of intellect standing above the paltry pride of circumstances, so ridiculously prevalent in this country. Mr. Serjeant Talfourd conveys an evidently faithful and very interesting picture of these meetings.

"The years which Lamb passed in his chambers in Inner Temple-lane were, perhaps, the happiest of his life. His salary was considerably augmented, his fame as an author was rapidly extending; he resided near the spot which he best loved; and was surrounded by a motley group of attached friends, some of them men of rarest parts, and all strongly attached to him and to his sister. Here the glory of his Wednesday nights shone forth in its greatest lustre. If you did not meet there the favourites of fortune; authors whose works bore the highest price in Paternoster-row, and who glittered in the circles of fashion; you might find those who had thought most deeply, felt most keenly, and were destined to produce the most lasting influences on the literature and manners of the age. There Hazlitt, sometimes kindling into fierce passion at any mention of the great reverses of his idol Napoleon, at other times bashfully enunciated the finest criticism on art; or dwelt with genial iteration on a passage in Chaucer; or, fresh from the theatre, expatiated on some new instance of energy in Kean, or reluctantly conceded a greatness to Kemble; or detected some popular fallacy with the fairest and the subtlest reasoning. There Godwin, as he played his quiet rubber, or be-

nigmantly joined in the gossip of the day, sat an object of curiosity and wonder to the stranger, who had been at one time shocked or charmed with his high speculation, and at another awe-struck by the force and graphic power of his novels. There Coleridge sometimes, though rarely, took his seat;—and then the genial hubbub of voices was still; critics, philosophers and poets were contented to listen; and toil-worn lawyers, clerks from the India House, and members of the Stock Exchange, grew romantic while he spoke.”—Vol. ii. pp. 25–27.

The “drudgery of the desk” to which Lamb was confined the greater part of the day, during thirty years, in the “candle-light fog-den at Leadenhall” constitutes a frequent subject of grievous complaint throughout his correspondence. It can be no matter of surprise that such a man should feel it bitterly. He perceived the best years of his life wasting, with no prospect before him but the ruinous profession of literature if he threw up his situation.

“ ‘What a weight of wearisome prison hours have I to look back and forward to, as quite cut out of life! and the sting of the thing is, that for six hours every day I have no business which I could not contract into two, if they would let me work task-work.’ ”

“ ‘I am a prisoner to the desk. I have been chained to that galley thirty years; a long shot. I have almost grown to the wood.’ ”

“ ‘I sit like Philomel all day (but not singing,) with my breast against this thorn of a desk, with the only hope that some pulmonary affliction may relieve me.’ ”—Vol. ii. pp. 69, 77, 79.

While the slowness of public appreciation of works of genius continues to extend, in most instances, far beyond the period of a man’s best days, and the wary, half-conscious, or fully conscious minds of his most eminent contemporaries lock up their thoughts, silent as the general silence, and become vocal only as leaders of the general voice when at last uplifted; while private patronage is scarcely ever exercised with any fine abstract love of excellence, but merely from gross personal motives, and is liable at all times to merge into presumptive annoyance, or most baneful influence, alike destructive of independence of feeling and originality of production; while the legislature has so long remained utterly apathetic to the interests of literary men, that even the eloquence of Mr. Serjeant Talfourd will find it no easy task to excite a sufficiently heartfelt and permanent conviction that some practi-

cal consideration is due to the pressing circumstances of many of the first intellects in the country ; and while that intellectual body remains so divided, or with such rare and attenuated habits of intimacy among its own members, that they seldom know and feel a mutual regard, admiration, and interest in the well-being of each other ;—there is no hope for such men as Charles Lamb, except in their own abilities, however precarious the result of their efforts, and in their own fortitude. They may still produce and disseminate the noblest thoughts and feelings, but (if not otherwise provided) they must still live by the “drudgery of the desk” or by any other drudgery at which they “heave the gorge.” And well for many of them if they fare only half as well as did Charles Lamb, albeit his moans under the endurance are sometimes quite harrowing.

“ ‘O, for a few years between the grave and the desk! they are the same, save that at the latter you are the outside machine.’ ”—Vol. ii. p. 68.

The above allusion to his own fixed form as being the unburied coffin of himself is truly dreadful. In his earnest exhortations to Bernard Barton not to think of literature as a profession, or as at all connected with the means of life, he says,—

“ ‘I have known many authors want for bread, some repining, others enjoying the blessed security of a spunging-house, all agreeing they had rather have been tailors, weavers—what not? rather than the things they were. I have known some starved, some to go mad, one dear friend literally dying in a workhouse. You know not what a rapacious set these booksellers are. Ask even Southey, who (a single case almost) has made a fortune by book drudgery, what he has found them. O, you know not, may you never know, the miseries of subsisting by authorship. ’Tis a pretty appendage to a situation like yours or mine ; but a slavery, worse than all slavery, to be a bookseller’s dependent, to drudge your brains for pots of ale and breasts of mutton, *to change your FREE THOUGHTS and VOLUNTARY NUMBERS for ungracious TASK-WORK.*’ ”—Vol. ii. p. 89.

This is all painfully true, except that we do not think the booksellers so much to blame. The cause lies far deeper, and both originates in and expands over circumstances of a far wider compass. The booksellers very naturally will only purchase those works which they either believe, or know from experience, the *public* will purchase. Hence “men of ability “die in distress, unacknowledged and unknown ; and men of

"known and acknowledged ability often die in the same way*." This subject, however, we cannot now pursue.

The peculiar mental bias and energetic humour of Charles Lamb often enabled him to turn his griefs to "commodity," and some of his ailments are conveyed in a ludicrous and graphic strain.

" 'I am weary of the world, and the world is weary of me. My day is gone into twilight, and I don't think it worth the expense of candles. My wick hath a thief in it, but I can't muster courage to snuff it. I inhale suffocation; I can't distinguish veal from mutton; nothing interests me. 'Tis twelve o'clock, and Thurtell is just now coming out upon the New Drop, Jack Ketch alertly tucking up his greasy sleeves to do the last office of mortality, yet cannot I elicit a groan or a moral reflection. If you told me the world will be at an end tomorrow, I should just say, 'Will it?' I have not volition enough left to dot my i's, much less to comb my eyebrows; my eyes are set in my head; my brains are gone out to see a poor relation in Moorfields, and they did not say when they'd come back again; my skull is a Grub-street attic to let—not so much as a joint-stool left in it; my hand writes, not I; just as chickens run about a little, when their heads are off. O, for a vigorous fit of gout, of cholic, toothache,—an earwig in my auditory, a fly in my visual organs! pain is life—the sharper, the more evidence of life; but this apathy, this death! Did you ever have an obstinate cold,—a six or seven weeks' unintermitting chill and suspension of hope, fear, conscience, and every thing? Yet do I try all I can to cure it; I try wine, and spirits, and smoking, and snuff in unsparing quantities, but they all only seem to make me worse instead of better. I sleep in a damp room, but it does me no good; I come home late o' nights, but do not find any visible amendment!

" 'It is just fifteen minutes after twelve; Thurtell is by this time a good way on his journey, baiting at Scorpion perhaps; Ketch is bargaining for his cast coat and waistcoat; the Jew demurs at first at three half-crowns, but, on consideration that he may get somewhat by showing 'em in the town, finally closes.'"—Vol. ii. pp. 148, 149.

Bernard Barton, the friend to whom the foregoing letter was addressed, having taken it in too literal a sense, Lamb wrote immediately and pacified his fears by declaring he was "rather lethargic than miserable," and added, "I don't know but a good horsewhip would be more beneficial to me than physic." So earnest were his feelings for those he loved, that he even "turns round" and exults in the "drudgery of the desk", calling it by all manner of kind names, directly he saw cause to fear that Bernard Barton was likely to throw up

* *Exposition of the False Medium, &c. Exposition of Causes*, p. 113.

such a means of existence, which Lamb knew to be a thousand times better than being dependent upon literature. In comparison with the latter he proclaims the desk to be "a bank;" declaring that he was only half in earnest in his philosophies against it, and ejaculates, "Trust not the Public; you may hang, starve, drown yourself, for anything that worthy *per-sonage* cares."

Notwithstanding the prolonged drudgery Lamb had endured at the desk, it is no wonder that a sudden and entire change in the habits of thirty years should have affected his sensibilities in a painful degree, and made him look back to his very miseries with a sort of regret, as if in pity and sympathy with his past self, and with those fellow-sufferers whom he seemed to have cruelly deserted.

" 'I was set free on Tuesday in 'last week at four o'clock. I came home for ever!

" 'I have been describing my feelings as well as I can to Wordsworth in a long letter, and don't care to repeat. Take it briefly, that for a few days I was painfully oppressed by so mighty a change, but it is becoming daily more natural to me. I went and set among 'em all at my old thirty-three-years' desk yester morning; and, deuce take me, if I had not yearnings at leaving all my old pen-and-ink fellows, merry, sociable lads, at leaving them in the lurch, fag, fag, fag!—The comparison of my own superior felicity gave me any thing but pleasure.

" 'B. B., I would not serve another seven years for seven hundred thousand pounds! I have got 440*l.* net for life, sanctioned by act of parliament, with a provision for Mary if she survives me. I will live another fifty years; or, if I live but ten, they will be thirty, reckoning the quantity of real time in them, i. e. the time that is a man's own.'"—Vol. ii. pp. 183, 184.

It is a pleasing reflection, which enhances our enjoyment in these delightful volumes, as in our recollections of their amiable author, that his latter years were relieved from a dull and uninteresting occupation, and that he attained during his decline of life the happy independence of thought and action for which he had so ardently yearned. It is to this leisure we owe his admirable selections from the Garrick Plays, and many other things, all proving the fineness of his taste and his devotion to the free spirit of literature. If at times he experienced the lassitude and *ennui* of entire leisure, it is easily understood as a consequence of the contrast with his confirmed habits; but he would seldom have experienced

such a state had there been a due appreciation of his exquisite writings by the public, as he would then have derived that additional excitement and impetus to labour which the vigour and aspirations of early life render unnecessary.

There are many admirable criticisms scattered through these letters, and most of them are hit off with a happy brevity, combining clear insights, sound taste, and elaborate arguments in a few words. Among the best we should particularly notice the remarks on the inimitable writings of Daniel De Foe (vol. ii. p. 34.); on Göthe's *Faust* (vol. ii. p. 144.); on *Don Quixote*, (*Ib.* p. 189.); and on the project of a new and splendid edition of Bunyan.

" 'A splendid edition of "Bunyan's Pilgrim"! Why the thought is enough to turn one's moral stomach. His cockle-hat and staff, transformed to a smart cock'd beaver and a jemmy cane; his amice grey, to the last Regent-street cut; and his painful palmer's pace, to the modern swagger. Stop thy friend's sacrilegious hand. Nothing can be done for B. but to reprint the old cuts in as homely but good a style as possible.' " —Vol. ii. p. 220.

Here also is a broad and noble theory of criticism, combining a reproof to the common practice.

" 'Of the Poems, I like them, as a volume, better than any of the preceding; particularly, "Power and Gentleness"—"The Present"—"Lady Russell"; with the exception that I do not like the noble act of Curtius, true or false—one of the grand foundations of the old Roman patriotism—to be sacrificed to Lady R.'s taking notes on her husband's trial. If a thing is good, why invidiously bring it into comparison with something better? There are too few heroic things in this world, to admit of our marshalling them in anxious etiquettes of precedence. Would you make a poem on the story of Ruth, (pretty story!) and then say—Ay, but how much better is the story of "Joseph and his Brethren"! " —Vol. ii. p. 225.

The remarks on Shelley by Lamb, who also misquotes Hazlitt on the subject, are painfully annoying. Whatever degree of justice they may contain as criticism, they are unjust in sentiment. They tend to depreciate an exalted character. We cannot do better than quote the words of Shelley's friend concerning certain passages. "Mr. Serjeant Talfourd," observes Leigh Hunt, "is not aware that some mistakes at pp. " 103 and 104 of the second volume have been publicly contradicted; and there is another, a trifling one, implied in p. " 321 of the first. But Shelley! What shall we say of the

“ cold way in which this ardent and most generous of aspirers
 “ after human good is spoken of by the author of ‘ Ion ? ’ or
 “ how can we quarrel with the author of ‘ Ion ’ for it, even
 “ for Shelley’s sake, except as Shelley himself would have
 “ done, by regret and forgiveness ? ”

The criticism on Martin’s pictures and prints (page 226 of the same volume) is excellent, and all-inclusive of merits and defects. Lamb’s hatred of the annuals, which is natural enough, breaks out in many contemptuous passages. One of these “ *Gems* ” having refused to insert a very fine sonnet, on account of some squeamishness and false-delicacy on the part of the editors, Lamb exclaims,—

“ ‘ I am born out of time. I have no conjecture about what the present world calls delicacy. I thought “ Rosamund Gray ” was a pretty modest thing. Hessey assures me that the world would not bear it. I have lived to grow into an indecent character. When my sonnet was rejected, I exclaimed, “ Hang the age ! I will write for antiquity ” ’ ”

“ ‘ Oh B. C. my whole heart is faint, and my whole head is sick (how is it ?) at this cursed, canting, unmasculine age ! ’ ”—Vol. ii. pp. 235, 239.

We cannot enter into any illustrations of the foregoing enunciation ; but much might indeed be said of the bad taste, false morality and unwhipped vices of the present time. Large, however, as we should find the real amount of error and imperfection, it must, no doubt, appear somewhat magnified in the eyes of one whose heart was so much in the past, and who occasionally seemed to love old things because of their age, and to hate new things because of their novelty. Lamb’s sympathies did not go so far back as the primitive forms of things, or even to the antique : he far rather delighted in the old forms of thinking and acting among our native ancestors, and in the old fashions and customs of civic man. His mind was far more domestic in its tendencies than epic ; more dramatic than pastoral ; too strong in its alternations between the heights of humour and the depths of pathos to indulge in the romantic—especially out of doors. To such a constitution of mind and temperament we may attribute his studied dislike to rural scenes, with his unavoidable enthusiasm when suddenly placed amidst the grandeur of nature. A great reality was forced upon his senses : it was not a doubtful fancy. Part of his repugnance to the idea

of a pastoral or country life originated in his early education, associations and the habits of years ; while part was certainly owing to his disgust at what he believed the insincerity and affectation of people on the subject of the romantic. He preferred the reality of a look-out from a back-parlour in London, commanding the prospect of a small dusty yard with " three trees and a pump." But when suddenly, on visiting Wordsworth, he found himself placed among stupendous mountain scenery, he declares,—“ Such an impression I never received from any objects of sight before, nor do I suppose that I can ever again. Glorious creatures ! fine old fellows, Skiddaw !” After this he feels obliged to acknowledge that “ there *is* such a thing as the romantic,” which he always doubted before.

It would be difficult to name two volumes illustrative of private character with so little reserve, yet in which so few objectionable features could be found. The only thing which has seriously annoyed us is the fact of Lamb having in some fit of morbidity destroyed the voluminous letters he had received from Coleridge, and then making atonement to his own spleen or folly by multiplying the mischief with a burnt offering of all the letters he had received from other eminent individuals. It is the deliberate error of the latter proceeding that assumes the most vexatious shape, because a state of hypochondria, or a temporary excitement from the fumes of tobacco, or any “ spiritual callings,” might have been some excuse for the former. With respect to the indulgence of Charles Lamb in these fumings and quaffings, he makes no secret at all of his failing, but repeats his resolutions of amendment so continually—sometimes jocosely, sometimes with earnestness—yet without any apparent change in his actual proceedings, that we perceive his easy morality on the point, and are induced at length to side with him in his “ pottle-deep” and “ cloud-compelling” view, or at least to let his particular case pass as an exception. His naïve confessions supersede and disarm the severity of censure, unless perhaps among those acrimonious moralists who gravely forget that twenty years ago it was a point of hospitality in an English gentleman to fasten the door upon his dining friends, until the condition of all present produced that very singular hallucination of mind

which occasions the subject of the phenomenon to grope for the door underneath the table. Lamb's admission of his failing in the above particulars is only to be surpassed in its humorous candour by certain passages of a letter in which, amidst the most ludicrous insinuations with reference to himself and the Quaker Poet, he probes the ticklish question of genuine and permanent moral honesty among the most respectable of mankind.

“ ‘ Your hands as yet, I am most willing to believe, have never deviated into other's property. You think it impossible that you could ever commit so heinous an offence ; but so thought Fauntleroy once ; so have thought many besides him, who at last have expiated as he hath done. You are as yet upright ; but you are a banker, or at least the next thing to it. I feel the delicacy of the subject ; but cash must pass through your hands, sometimes to a great amount. If in an unguarded hour—but I will hope better. Consider the scandal it will bring upon those of your persuasion. Thousands would go to see a Quaker hanged, that would be indifferent to the fate of a Presbyterian or an Anabaptist. Think of the effect it would have on the sale of your poems alone, not to mention higher considerations ! I tremble, I am sure, at myself, when I think that so many poor victims of the law, at one time of their life, made as sure of never being hanged, as I, in my own presumption, am ready, too ready, to do myself. What are we better than they ? Do we come into the world with different necks ? Is there any distinctive mark under our left ears ? Are we unstragulable, I ask you ? Think on these things. I am shocked sometimes at the shape of my own fingers, not for their resemblance to the ape tribe (which is something), but for the exquisite adaptation of them to the purposes of picking, fingering, &c.

“ ‘ No one that is so framed, I maintain it, but should tremble.’ ”—
Vol. ii. pp. 168, 169.

With equal humour, yet in the deepest vein of feeling as of reason, Charles Lamb occasionally touches on various points of conventional morality, and elicits new and profound views.

Of all the works which are most desiderated by the world at the present time, or rather, we should say, which are most necessary for its benefit, a sound and comprehensive treatise on the philosophy of morality, is the one which has been, and is likely to continue, the longest delayed. The reason is simple enough : such a work would tend to various changes in the whole internal structure of society. It could only be produced by an individual of the finest intellect, most enlarged human sympathies, and the most extensive information and

experience. But ridiculed, hated or feared as are all new social views, even in theory—particularly in this country, where no changes except such as denote amelioration of *taxes* is tolerated, and scarcely tolerated by the majority when imposing forms and prerogatives are at stake,—such a work would not easily find an author, both competent to its execution and prepared to look martyrdom steadily in the face. For if an independent fortune saved him from starvation or a jail, it would hardly prevent his expulsion from that society whose happiness he so offensively sought to promote; or if admitted into the company of conventional purists, it would only be as a visionary and harmless lunatic. Such a work, then, must wait the progress of society, until, from time to time, individuals putting forth sound principles of morality, shall gradually insinuate, inoculate and force the truth through antagonistic conventionalisms, and pave the way for the appearance, rational reception and practical adoption of a comprehensive ethical philosophy in accordance with a more enlightened nature. Meanwhile, with all due deference to morals as at present cultivated in society, in churches, colleges, theatres, newspapers, wine-vaults and courts of law, let us now and then amuse and edify ourselves with Charles Lamb on roast-pig and plumb-cake.

“ ‘Swiss cheeses, French pies, early grapes, muscadines, I impart as freely unto my friends as to myself: they are but self-extended. But pardon me if I stop somewhere—where the fine feeling of benevolence giveth a higher smack than the sensual rarity, there my friends (or any good man) may command me; but pigs are pigs, and I myself therein am nearest to myself. Nay, I should think it an affront, an undervaluing done to Nature who bestowed such a boon upon me, if in a churlish mood I parted with the precious gift. One of the bitterest pangs I ever felt of remorse was when a child—my kind old aunt had strained her pocket strings to bestow a sixpenny whole plumb-cake upon me. In my way home through the Borough, I met a venerable old man, not a mendicant,—but thereabouts; a look-beggar, not a verbal petitioner; and in the coxcombr of taught-charity, I gave away the cake to him. I walked on a little in all the pride of an Evangelical peacock, when of a sudden my old aunt’s kindness crossed me; the sum it was to her; the pleasure she had a right to expect that I—not the old impostor—should take in eating her cake; the cursed ingratitude by which, under the colour of a Christian virtue, I had frustrated her cherished purpose. I sobbed, wept, and took it to heart so grievously, that I think I never suffered the like—and I was right. It was a piece of unfeeling hypocrisy, and proved a lesson to me

ever after. The cake has long been masticated, consigned to dunghill with the ashes of that unseasonable pauper.

“ ‘But when Providence, who is better to us all than our aunts, gives me a pig, remembering my temptation and my fall, I shall endeavour to act towards it more in the spirit of the donor’s purpose.’ ”—Vol. ii. pp. 71–73.

Our author objecteth to be accounted “such a good man!”

“ ‘How cheap that character is acquired! Pay your debts, don’t borrow money, nor twist your kitten’s neck off, nor disturb a congregation, &c., your business is done. I know things (for thoughts *are* things) of myself, which would make every friend I have fly me as a plague patient. I once set a dog upon a crab’s leg that was shoved out under a mass of sea-weeds,—a pretty little feeler! Oh! pah! how sick I am of that! And a lie, a mean one, I once told. I stink in the midst of respect.’ ”—Vol. ii. p. 154.

It is not every one, even among those most shocked at Rousseau’s Confessions, who possesses so much conscience and self-knowledge. How genuine and deep is the feeling conveyed in the following allusion to Lamb by the accomplished editor of these letters!

“Nothing—no discovery of error or of crime—could divorce his sympathy from a man who had once engaged it. He saw in the spendthrift, the outcast, only the innocent companion of his school-days or the joyous associate of his convivial hours, and he did not even make penitence or reform a condition of his regard.”—Vol. ii. p. 328.

As a converse to the above, we commonly see a man who has been simply imprudent or unfortunate, “cut” by his respectable friends; and if he have committed an error, he is only to be possibly restored to the patronage of their condescending self-love by his oblations of contrition and abject humiliation. With respect to works of art, the vulgar custom of calling out for “the moral” of a poem, drama, picture or prose tale, is not yet entirely exploded among us, and we are likely to remain the laughing-stock of the more philosophic German critics some time longer.

“ ‘I think you are too apt to conclude faintly, with some cold moral, as in the end of the poem call’d ‘The Victory’—

‘Be thou her comforter, who art the widow’s friend;’

a single common-place line of comfort, which bears no proportion in weight or number to the many lines which describe suffering. This is to convert religion into mediocre feelings, which should burn, and glow, and tremble. A moral should be wrought into the body and soul, the matter

and tendency, of a poem, not tagg'd to the end, like a 'God send the good ship into harbour,' at the conclusion of our bills of lading. The finishing of the 'Sailor' is also imperfect. Any dissenting minister may say and do as much.

" 'These remarks, I know, are crude and unwrought, but I do not lay claim to much accurate thinking. I never judge system-wise of things, but fasten often upon particulars.' "—Vol. i. pp. 132, 133.

Lamb also objects to the farcical and ignorant hypocrisy of those writers who, venturing to deal with human passions in action, attempt to qualify their pages by interlarding sentiments of religion, and the "proper" moral,—or what the characters *ought* to have felt, thought and done.

" 'His book I 'like'; it is only too stuff'd with scripture, too parsonish. The best thing in it is the boy's own story. When I say it is too full of scripture, I mean it is too full of *direct quotations*: no book can have too much of silent scripture in it; *but the natural power of a story is diminished when the uppermost purpose of the writer seems to be to recommend something else.*' "—Vol. ii. pp. 150, 151.

On the subject of erecting monuments to commemorate the deeds of benevolent men, we find sentiments fully in accordance with those which animated such men. Lamb thus replies to a letter respecting a monument to Clarkson, the successful advocate for the abolition of the slave trade.

" 'Dear Madam,—I return your list with my name. I should be sorry that any respect should be going on towards Clarkson, and I be left out of the conspiracy. Otherwise, I frankly own that to pillarize a man's good feelings in his lifetime is not to my taste. Monuments to goodness, even after death, are equivocal. I turn away from Howard's, I scarce know why. Goodness blows no trumpet, nor desires to have it blown. *We should be modest for a modest man*—as he is for himself. The vanities of life—art, poetry, skill military—are subjects for trophies; not the silent thoughts arising in a good man's mind in lonely places. Was I Clarkson, I should never be able to walk or ride near the spot again. Instead of bread, we are giving him a stone. Instead of the locality recalling the noblest moment of his existence, it is a place at which his friends (that is, himself) blow to the world, 'What a good man is he!' I sat down upon a hillock at Forty Hill yesternight,—a fine contemplative evening,—with a thousand good speculations about mankind. How I yearned with cheap benevolence! I shall go and inquire of the stone-cutter, who cuts the tombstones here, what a stone with a short inscription will cost; just to say, 'Here C. Lamb loved his brethren of mankind.' "—Vol. ii. pp. 218, 219.

Those who would know how exactly the foregoing embodies the sentiments of the philanthropic Howard, we refer to

the letters he wrote on the subject to his friend Mr. Smith; to Thomas Thompson, his servant; and to Dr. Price. They are dated Venice, 1786. He speaks of the project of erecting a monument to him as "a very distressing affair," and ejaculates, "Never have I returned to my country with such a heavy heart as I now do. Why could not my friends, who know how I detest such parade, have stopped such a hasty measure? As a private man, with some peculiarities, I wished to retire into obscurity and silence. Indeed, my friend, I cannot bear the thought of being thus dragged out. I immediately wrote, and hope something may be done to stop it. My best friends must disapprove it. It deranges and confounds all my schemes. My exaltation is my misfortune."

The fine principles of morality, as of genuine criticism on works of literature and art, and the peculiar beauty, pathos and humour of Lamb's general style, were received some years since with all that appreciation which the censors of the press and instructors of public taste have been accustomed from the earliest periods to manifest on the first appearance of the productions of original minds. The following specimen is from the *Monthly Review*.

"It will scarcely be credited, without reference to the article itself, that on the notes the critic [of the *Monthly Review*] pronounces this judgement: 'The notes before us indeed have nothing very remarkable, except the style, which is formally abrupt and elaborately quaint. Some of the most studied attempts to display excessive feeling we had noted for animation, but the task is unnecessary.'"—Vol. i. p. 307.

Here is the opinion of the once famous *Ultra-crepidarian* editor of the *Quarterly*, which was pronounced in a review of a work by Mr. Weber, who had quoted one of Lamb's fine *Notes to the Specimens of the Old Dramatists*.

"'We have a more serious charge to bring against the editor than the omission of points, or the misapprehension of words. He has polluted his pages with the blasphemies of a poor maniac, who, it seems, once published some detached scenes of the 'Broken Heart.' For this unfortunate creature, every feeling mind will find an apology in his calamitous situation; but for Mr. Weber, we know not where the warmest of his friends will find palliation or excuse.'"—Vol. i. p. 322.

These things will be read with astonishment by most people now; not omitting those who, if such a man as Charles

Lamb fell under their pens the next day, would write just such a criticism upon him. But Lamb had also sincere admirers in his lifetime—fit audience, though comparatively few—who appreciated his many excellences long since, and needed not the popular voice to encourage them in their opinion.

These volumes contain several portraits of Charles Lamb. We shall begin with a beautiful one by Mr. Serjeant Talfour.

"A light frame, so fragile that it seemed as if a breath would overthrow it, clad in clerk-like black, was surmounted by a head of form and expression the most noble and sweet. His black hair curled crisply about an expanded forehead; his eyes, softly brown, twinkled with varying expression, though the prevalent feeling was sad; and the nose slightly curved, and delicately carved at the nostril, with the lower outline of the face regularly oval, completed a head which was finely placed on the shoulders, and gave importance, and even dignity, to a diminutive and shadowy stem. Who shall describe his countenance—catch its quivering sweetness—and fix it for ever in words? There are none, alas! to answer the vain desire of friendship. Deep thought, striving with humour; the lines of suffering wreathed into cordial mirth; and a smile of painful sweetness, present an image to the mind it can as little describe as lose."—Vol. ii. pp. 3, 4.

We are also presented with three engraved portraits, each of them admirable for character. Of the first, we cannot judge as to the accuracy of the likeness, never having seen Lamb at that early period. It was painted by Hazlitt, and has a set expression of intellectual concentration and resolute will, more in accordance, we suspect, with an idea in the painter's own mind than in the character of his sitter. The other two, though one of them is almost a caricature, are striking likenesses. Speaking of Charles Lamb in their private social meetings, Hazlitt says,—

"There was Lamb himself, the delightful, the most provoking, the most witty and sensible of men. He always made the best pun and the best remark in the course of the evening. His serious conversation, like his serious writing, is his best. No one ever stammered out such fine, piquant, deep, eloquent things, in half-a-dozen half sentences as he does. His jests scald like tears, and he probes a question with a play upon words. What a keen, laughing, hair-brained view of home-felt truth! What a choice venom! He has furnished many a text for Coleridge to preach upon. There was no fuss or cant about him; nor were his sweets or his sours ever diluted with one particle of affectation."

There appeared some time ago an article in a popular periodical, which embodies a very high and an equally just estimate of his writings.

"As an essayist Charles Lamb will be remembered in years to come with Rabelais and Montaigne, with Sir Thomas Browne, with Steele, and with Addison. He has wisdom and wit of the highest order. We know of no inquisition more curious, no speculation more lofty, than may be found in the *Essays of Charles Lamb*."

Wit is poignant truth, and startles all the faculties; or it is the bright focus of combined imagination and understanding. Not to pursue the definition, however, we would say that whatever may be *wit*, Lamb possessed an uncommon portion of it. His best "hits", carefully collected, would make a rare little volume. But we cannot say we should like to see such stuff inserted in it as will be found in a long note towards the close of the second volume. With one or two exceptions the jokes are nothing better than many a mere "droll" continually throws off. We are quite sure that Lamb was the last man who would have liked to see "his nothings" "monster'd." Allowing ourselves this one critical growl, we are bound to say that the editor has completed his task with equal feeling and perspicuity, and a modesty which has evidently held in subjection the eloquence he so eminently possesses.

Lamb passed the last period of his life in the village, or more soundingly, the "Hundred" of Edmonton. To a native of that same rusticity, and an occasional resident, it was a strange yet consistent sight to observe the form in "clerk-like" "black" taking a regular morning walk on the dusty London road, instead of diving into the shady sweetness of the green lanes. But we saw his wistful, half-averted glances at the coaches that passed city-ward, and felt his yearnings towards the scenes of his youth. He died in consequence of a trifling accident that happened to him during one of these walks, and was buried in Edmonton churchyard. He had pointed out the spot himself a short time before while walking there with his sister "as the place where he wished to be buried." The spot is by no means romantic, though something of the kind might easily have been found among the mossy, mouldering, carved vaults and tombs at remote

corners, beneath old yew trees, dense blackthorn hedges, or beside the venerable buttresses of the old church walls. Lamb, however, preferred to be located, not only where the place was pretty thick with companionable tombs, but where he could be nearer the walks of human life. His grave-stone accordingly stands, at a little distance, facing a footpath which leads to the lanes and fields at the back of the church. The inscription upon it is simply "To the memory of Charles Lamb. Died 27 Dec. 1834: aged 59." There, in fixed peacefulness, among a crowd of familiar names—names known from infancy—we often see it stand with pallid smile just after sunset, while sparrows fly chirruping from tomb to tomb, and ruminating sheep recline with half-closed eyes against the warm flat stone or grassy mound.

ARTICLE VII.

1. *Report of the Secretary of the (United States) Treasury on the removal of the public deposits from the Bank of the United States.* Dec. 4, 1833.
2. *Report from the Committee (of the House of Representatives) of Ways and Means on the same subject.* March 4, 1834.
3. *Message of the President of the United States.* Dec. 1836.
4. *The American Almanac for 1837.*
5. *Report of the Secretary of the Treasury on Finances,* 3rd Jan. 1837.
6. *The Economist Newspaper,* No. 5, June 7, No. 6, June 24, No. 7, July 1, 1837.

To a commercial people there can scarcely be a more interesting subject for investigation than the various phænomena of the rise and fall of prices, and the circumstances affecting confidence and credit. Perhaps there is no branch of political œconomy on which so much has been written and yet so little determined. Our stock of recorded facts is great, and some most important principles have been established; yet our conclusions and reasonings seem doomed to be not un-

frequently overturned by some unprecedented occurrence which had not previously been taken into account. This, we apprehend, arises from an undue estimate or a total neglect of the disturbing causes. A general principle may be of the utmost value, that is, applicable to objects of paramount importance, may be moreover quite incontrovertible as a principle, and yet have no existence as a naked fact. In mechanics, for instance, the elementary lever is something very different from any existing lever. All the reasoning concerning it, how beautifully accurate soever in principle, will in practice require correction for flexion, friction and other disturbing causes. So in the science of political œconomy: the moment we come to apply its principles, in other words, the moment we come to treat it as *an art*, we find all sorts of circumstances in constant operation to affect our conclusions. In proportion only as we acquire the means of duly estimating these disturbing causes, will be our skill in the application of principles to any useful purpose.

As regards the phænomena of commercial confidence and credit, the United States of America have recently become a rich but almost unexplored mine of information. In the present article we shall endeavour to avail ourselves of the information which her peculiar circumstances afford. The enthusiastic Brindley is said to have considered seas, lakes and rivers to have been intended by Divine Providence merely as feeders of canals. For the nonce we will imitate this mode of looking at events: we will view the fearful revulsion which has just taken place in the trade of America as a means of extending our field of knowledge in the direction we have pointed out.

Before we go into details it may be well to map out the leading events connected with the present commercial state of America in their order of occurrence.

A spirit of speculation appears to have arisen in the United States in the year 1833, or perhaps even somewhat earlier, but it was not until 1835 that it acquired its greatest impetus. The business of banking kept pace with the spirit of overtrading, and the increased issue of paper money remained unchecked until the close of the last or beginning of the present year.

In the mean time the United States Government adopted various measures for the purpose of checking the spirit of speculation, and placing the currency on a more stable basis. These measures were loudly condemned by the Bank and mercantile party, but were generally approved of by the people.

The current was however too strong to be checked by the measures of Government. Over-trading continued in spite of the efforts of General Jackson's administration, and it was not until it received a check in the natural way that the trading community came to their senses. Then followed revulsion most fearful; scarcely any commercial panic on record will bear comparison with that of the United States in point of intensity; in point of duration it has not yet become matter of history, though we may presently make it matter of conjecture.

This being the state of things in the spring of 1837, the banks found themselves compelled to adopt some remedies presently to be noticed, and it is the working of these remedies that the commercial people of both hemispheres are so anxiously watching.

Following the order of the above *programme*, we shall *first* present our readers with details, as ample as our space will permit, of the Banking System of the United States, together with some of the leading features of the progress of speculation, and the connection of the one with the other.

Secondly: We shall enumerate the measures of the Government and endeavour to trace out their effect.

These measures were:

1. The removal of the Government deposits from the United States Bank, and dividing the same among various banks in different parts of the country.

2. The establishment of a gold in lieu of a silver standard, at the same time changing the mint proportion between the two metals, and the discouragement of a small note circulation.

3. The distribution of the surplus revenue.

Thirdly: We shall enter at considerable length into the remedies adopted by the banking institutions of the United States, endeavouring to trace out their effects upon the commercial interests both of the United States and of Great Britain.

These remedies are,—

1. The loan of bonds or post-bills, payable in London at twelve months after date, to the American merchants, on securities not immediately convertible.

2. The universal suspension of specie payments by the banks.

- I. The banking business of the United States is managed, as our readers are doubtless aware, by numerous joint stock banking companies, chartered by the legislatures of the States in which they are respectively located. Of these banks the shareholders are responsible to the amount of their contribution, and no further. They have the privilege of issuing paper money convertible—nominally as it has since unfortunately turned out—at the will of the holder; the only check upon improvident management being that which arises from active competition between the several banks, aided somewhat perhaps by the periodical publication of a balance sheet.

In addition to the banks chartered by the several States, the United States Bank existed by the authority of the general Government. At the expiration of the charter, however, in 1835 it was not renewed, and the bank now carries on business in virtue of a charter from the legislature of Pennsylvania. The capital of the bank is 35,000,000*l.*, but as its capital is divided among twenty-five branches, it of course competes co-equally with the banks of the several States, and therefore forms no exception to the general system of banking which there prevails.

The increase of banking capital and circulation in the United States has been great beyond example in other countries. In 1811 the number of banks throughout the Union amounted to 89, in 1815 the number amounted to 208. At this latter period there was scarcely any specie in circulation in the United States. Specie payments had been suspended in 1814, and this seems to have operated as a stimulus to banking. The currency was then wholly of paper, and it was also in a fearful state of disorder. Notes were put into circulation of as small a denomination as one halfpenny (a cent), and the whole specie hoarded, as it was calculated at the time, did not amount to a million of our money. In 1820 notes below

one dollar (4s. 2d.) had disappeared from circulation, and the specie in circulation is estimated by the secretary of the treasury to have amounted at that time to about 7,000,000 of dollars.

From the year 1820 the increase of banking in the United States will be best exhibited in the following table :

Date.	Number of Banks.	Capital.	Circulation.
		Dollars.	Dollars.
Jan. 1820	308	137,110,111	44,863,344
1830	320	145,192,268	61,323,898
1835	558	231,250,337	103,693,495
1836	677	324,240,292	185,762,506

The annual Report of the Secretary of the United States Treasury, one of the "documents accompanying the Message," and which we have quoted at the head of this article (No. 5), gives a statement of the whole circulation of the United States, paper and specie taken together, which exhibits very clearly the rapid augmentation of the volume of the currency of that country.

This statement, it will be observed, does not agree precisely with the published banks' statements, the results of which are given above. The secretary of the treasury makes deduction for the amount of the notes of banks held by other banks and not circulated. Thus corrected, the statement stands as follows :

Dates.	Paper in Circulation.	Specie in Circulation.	Total.
	Dollars.	Dollars.	Dollars.
Oct. 1833	80,000,000	4,000,000	84,000,000
Jan. 1834	76,000,000	12,000,000	88,000,000
1835	82,000,000	18,000,000	100,000,000
1836	108,000,000	23,000,000	131,000,000
1837	120,000,000	28,000,000	148,000,000

A further evidence of the increase of trade in America, far exceeding the ratio of the increase of the population, is furnished by the following statement of the importation of the United States for the last five years :

1832 . . . 101,000,000 dollars.

1833 . . . 108,000,000

1834 . . . 127,000,000

1835 . . . 160,000,000

1836 . . . 174,000,000

But the spirit of speculation has not stopped here. The disposition to purchase wild lands has far outstripped the demand for actual settlements, as the following table of the proceeds arising from the sale of public lands for the last five years will abundantly testify :

1832 . . . 3,115,376 dollars.

1833 . . . 4,972,294

1834 . . . 6,099,981

1835 . . . 15,810,795

1836 . . . 24,000,000.

We shall say no more* on this division of the subject ; the statements we have given are quite sufficient to prove that the spirit of speculation and overtrading which arose in or previous to 1833 received an extraordinary impetus in 1835 and 1836.

II. We now come to the measures of the Government of the United States affecting the currency of the country, which we have already enumerated.

1. The history of the removal of the deposits is this. The revenues of the United States were formerly deposited in the United States Bank. In 1833 however, the Bank and the Government having come to an open rupture, General Jackson, by the exercise of a power vested in him by the Constitution of the United States, caused the "deposits" to be removed from the custody of the United States Bank, and placed with various State Banks, thence called "Deposit Banks."

In an article purely politico-œconomical it is not necessary to enter at length into a dispute which was, in the main, of a political character. It may however be necessary to state that in democratic America a species of *feud* has from the beginning existed between the monied class and the mass of the people ; and as General Jackson was the democratic Pre-

* We have no means of showing the progress of speculation in railroads, and must therefore content ourselves by stating that it far exceeds the mania in this country.

sident, the difference between the people's Government and the Bank is not to be wondered at.

In 1833 the Bank threw down the gauntlet by applying for a renewal of the charter, to which it was known General Jackson was opposed, just previous to the presidential election. Jackson, who has in all things shown himself to be a thoroughly honest man, braved the power of the monied class and opposed the renewal of the charter. Hence the election turned in a great measure on the Bank question.

Now then occurred the unjustifiable conduct of the Bank. It commenced a regular system of curtailing its accustomed accommodation to the mercantile body, on the plea that it was necessary to prepare for the payment of the deposits. The whole sum to be removed did not greatly exceed seven millions of dollars (about £1,500,000 sterling), and yet on the plea of preparing for the removal, the Bank continued its system of restriction of discounts for nineteen months, at the end of which time the diminution of accommodation had reached nineteen millions of dollars, or nearly three times the sum for which they were pretending to provide. It is necessary here to remind the reader that the United States Bank operated by means of twenty-five branches located one in every State; so that in point of fact the removal was in many instances to another banking house in the same street, perhaps even next door; hence it is quite impossible to understand how any effect, good, bad or neutral, could immediately arise from the change.

If the curtailment which actually took place in the accommodation of the United States Bank had not been followed by a great increase of banking capital, no doubt can exist that its tendency must have been to check improvident speculation. This effect was however obviated by the great increase of banking capital which followed the curtailment of the issues of the United States Bank. The United States Bank told the people that such an amount of accommodation was necessary to carry on the commerce of the country; but such accommodation they, the United States Bank, were no longer in a position to afford. What so obvious a course as the organization of new banks? This was accordingly done to the extent we have already indicated.

This increase of banking capital appears to have brought the United States Bank to their senses. The cashier and prime mover of the bank administration soon perceived that if the Bank did not provide assistance the people would obtain it elsewhere. Hence towards the close of 1834 the Bank renewed its accommodation, and between November 1834 and July 1835 it had increased its circulation nearly *ten millions* of dollars, and its loans and exchanges 19,000,000*l.* In *eight* months the increase of issues was nearly equal to the diminution of the previous *nineteen*. It cannot be denied that by its whole course of conduct the Bank has proved that preparation for the removal of the deposits never required any curtailment, inasmuch as the subsequent augmentation took place *without a return of the deposits*. It has also proved that a desire to impose a salutary check upon improvident speculation could not have formed any part of its motive, or the Bank would have abstained from augmenting its issues in 1834-5, when such a check was more needed.

The conclusion to which we unavoidably arrive is, that the removal of the public deposits had a very trifling influence, if any, on the present embarrassments. If the measure had any influence it must have been rather of a beneficial character. The total sum removed was small. Had it remained it would have been made use of by the United States Bank through its branches for the purpose of discounting paper. In the hands of the deposit-banks it was not permitted to remain idle, but was used in the same way and in the same places in which the branches of the United States Bank were located.

2. The establishment of a gold standard and the suppressing of small notes are measures necessarily so intimately blended in the policy of the United States Government that they cannot be treated separately.

The Constitution of the United States of America forbids the "emission of bills of credit." The object of this provision is said to have been to centralize the control of the monetary system, with a view probably to the production of uniformity in the currency. Somehow or other, however, the States Legislatures have managed to give this clause the go-by, and paper-issuing banks are chartered by every State of

the Union. To operate in any way upon the monetary system of the United States it is now necessary to obtain the cooperation of no less than twenty-six sovereign legislatures. Difficult as this may appear, the President in his last message to Congress (December 1836) was able to announce that the administration had very generally received such cooperation; many of the State legislatures, in conformity with the state of public opinion on the subject, having passed acts suppressing notes of one and two dollars, and those which had not done so having evinced a disposition so to do.

Coincident with the discouragement of a small-note circulation the passage of the gold bill here demands notice. Previous to the passing of this act the standard of the American currency was silver, the integer being the dollar, worth in the London market *fifty pence* on the average. This made the approximate par between England and America 480 dollars, 100*l.* sterling, in conformity with which the value of the sovereign was four dollars eighty cents. By the act in question, however, the quantity of gold in the American eagle and half-eagle was so regulated that the sovereign became worth four dollars eighty-seven cents, being a difference of one and a half per cent. in favour of gold, and at this rate the sovereign was declared current by the bill.

One effect of this bill was to establish two pars of exchange: a gold par, fixed and invariable, of 487 dollars=100*l.*, and a silver approximate and variable par, averaging 480 dollars to the 100*l.*, the difference being about $1\frac{1}{2}$ per cent. Hence a rate of exchange which would provide for an exportation of silver would not fulfil the condition of an export of gold. This effect, however, is obviously temporary. Silver under such a law would leave the United States until its price rose there and fell here, until at length it would be indifferent (supposing exchange to continue advancing) which metal to export. This effect has actually occurred. In New York, previous to the suspension of specie-payments, silver of an exportable kind and in quantity bore a premium, as compared with gold, of something more even than the difference between the two, whilst in London it has been gradually declining in price since the latter months of last year. Supposing silver to bear a premium of $1\frac{1}{2}$ per cent., sovereigns

remaining at par, it would be a matter of indifference which metal to export; if silver dollars advanced beyond this, gold remaining at par, the latter would be exported in preference to silver until the values were equalized. At the period of the last advices gold and silver were nearly at par *as regards each other*, both being at an equal premium in the depreciated bank paper. Sovereigns were worth 5 dol. 20 cents to 5 dol. 25 cents, which is $6\frac{8}{10}$ to $7\frac{8}{10}$ per cent. premium, the mean being $7\frac{3}{10}$, whilst dollars were from 6 to 8 per cent. premium.

Until the quantity of gold and silver current in the United States had time to regulate itself to the new standard, the tendency would be for silver to leave America and gold to flow in, and it cannot be denied that this influx would find its principal, we may say its only source, in Europe, deducting of course the production of the American mines. But why would America take gold from Europe, or rather why would Europe part with her gold to America? Evidently because America bid high for it, and for no other reason. Congress suddenly determined to call 100*l.*, 101*l.* 10*s.* (for the gold bill was nothing more than this). What was the consequence? Every one who owed a debt to America had a means of paying it at a discount of $1\frac{1}{2}$ per cent., whilst Americans having debts to pay in England—debts, observe, contracted in pounds sterling,—would not be exempted from payment in full by any law of their own making. Was there any evil to England in thus having gold drawn from her? No. It was a decided benefit, not an evil. The soldier in the song “who spends half-a-crown out of sixpence a day” might just as reasonably sigh for the loss of his sixpence.

And what has the drain of gold amounted to after all? The whole quantity of gold coin current in the United States at the end of 1836 was stated by the secretary of the Treasury to be 10,000,000 dollars. To be quite on the safe side let us call the whole amount 12,000,000 dollars; of this amount about one fourth is calculated to have been supplied by the mines of Georgia, the Carolinas and Virginia, the quantity now averaging something over 700,000 dollars per annum. This would leave about 2,000,000*l.* sterling as having been derived from France and England, chiefly the latter; and

this is the sum which has frightened the Bank Directors* and the British mercantile public fairly out of their propriety.

This sum then is to be deducted from the total European stock of gold. It may be first derived from England or from France, or from both, but ultimately it amounts to a deduction from the aggregate stock of Europe. Let us now look to the ulterior consequences. The withdrawal of so much gold will, by diminishing the volume of the currency, cause a decline of the prices of all commodities. This is only another mode of saying that the price of gold will rise. But the production of gold is regulated by laws differing in no respect from those which govern the production of other commodities. An advance in price will stimulate the gold producers of South America in the same manner that an advance in the price of cotton would increase the exertions of the cotton producers of North America. If the small quantity demanded by the United States be sufficient to cause an *assignable* advance in the price (that is, an assignable decline in the prices of all other commodities estimated in gold) we should most certainly have an increased production and export from the Brazils and other gold-producing countries. On no account therefore ought the American gold bill to have been viewed with alarm by Europeans. We might almost as well prate about a drain of tin plate or bar-iron.

Long before the late suspension of specie payments the channels of circulation in the United States appear to have been filled. Hence, as Mr. Horsley Palmer stated, the demand for gold for America had ceased. It may be hereafter that more gold will be demanded by America. She will return to specie-payments and re-demand the amount which she is now, for a time, parting with. She may suppress all notes of a higher denomination than one and two dollars, those of

* Mr. Horsley Palmer in his pamphlet, page 29, states that 2,300,000*l.* went to America. This is near enough to our estimate. At page 30 he speaks of the gold bill as having raised "the *current* value of the English sovereign from 4.44 dollars to 4.87½, or 8½ per cent. above its previous current value." This is a gross mistake: 4.44 was the assumed *par* of exchange, which being erroneous caused exchange to be quoted at an apparent premium of 8 per cent. on the average. The "current" value of the sovereign was on the average 4.80, as we have stated in the text. As to the quantity of metal in the eagle, Mr. Palmer is correct in stating it at 246 grains, but that was so much more than ten dollars ought to have contained, that the few that were formerly coined were exported or melted.

five or ten dollars for instance. This we have no doubt will ultimately take place. This panic and suspension is a mere episode, and not an uninstrusive one, in the monetary history of America, and we have no doubt but that the policy of the administration will be resumed as soon as convenient. To any new demand for gold which may arise from the above-named cause, the principles which we have just laid down apply. If the new demand for gold be sufficient to raise the price (that is depress the prices of all commodities estimated in gold) to an assignable extent, it would stimulate the motive to produce gold; but we need not again go over this ground. It is quite enough to recall the principles to the reader's mind.

In furtherance of the design of the American Government to get rid of the circulation of small notes and replace them by a gold currency, we must here mention what is called the "Specie Circular," a measure rendered necessary, by the excessive speculation in wild lands which we have already recorded in the early part of this article. This we shall state in the President's own words:

"The safety of the public funds and the interest of the people required that these operations (excessive land-purchases and their effects) should be checked; and it became the duty of every branch of the General and State Governments to adopt all legitimate and proper means to produce that desired effect. Under this view of my duty, I directed the issuing of the order which will be laid before you by the Secretary of the Treasury, *requiring payment of the public lands to be made in specie*, with one exception, until the 15th of the present month (December) in favour of actual settlers. The measure has produced many salutary consequences. It has checked the career of the Western banks and has given them additional strength in anticipation of the pressure which has since pervaded our Eastern as well as the European commercial cities. By preventing the extension of the credit system, it measurably cut off the means of speculation and retarded its progress in monopolizing the most valuable of the public lands. * * * It is conveying into the interior large sums of silver and gold, there to enter permanently into the currency of the country and place it on a firmer foundation."

3. We now come to the last measure of the United States administration calculated to have any influence on the currency, and thereby on the state of commercial confidence and credit; we mean the distribution of the surplus revenue of the General Government among the several State Governments for *safe keeping*.

A bill "to regulate the deposits of the public money" passed the Congress of the United States in the month of June 1836. This act provides, among other things,

"that the money which shall be in the Treasury of the United States on the 1st of January 1837, reserving the sum of 5,000,000 dollars, shall be deposited with the several States *in proportion to their respective representation* in the Senate and House of Representatives of the United States, which shall by law authorize their Treasurer or other competent authorities to receive the same in the terms hereinafter specified; and the Secretary of the Treasury shall deliver the same to such Treasurer or other competent authorities in such form as may be prescribed by the Secretary aforesaid, which certificates shall express the usual and legal obligations of *common depositories of public money for the safe keeping and repayment thereof*, and shall pledge the faith of the State receiving the same to pay the said money and every part thereof from time to time whenever the same shall be required by the Secretary of the Treasury for the purpose of defraying any wants of the public Treasury beyond the amount of the 5,000,000 dollars aforesaid."

The act further provides "that if any State refuse its proportion the same may be deposited with other States," and lastly, that the distribution be made by *quarterly payments*.—*American Almanac*, 1837.

At the time the act was under discussion it was anticipated that the surplus to be distributed would, after deducting the 5,000,000 dollars, reach 22,000,000 dollars*. Owing however to the great increase of the two principal sources of revenue, the proceeds of the sale of public lands and the customs, the same reached nearly 37,000,000 dollars. "You will perceive," says the late President in his last message, "from the report of the Secretary of the Treasury, that the financial means of the country keep pace with its improvements in all other respects. The receipts into the Treasury during the present year will amount to about 47,691,898 dollars; those from customs being estimated at 22,523,151 dollars; those from lands at about 24,000,000 dollars; and the residue from miscellaneous sources. The expenditures for all objects during the year are estimated not to exceed 22,000,000 dollars†, which will leave a balance in the Treas-

* See the *American Almanac* for the present year, page 141, where a table of the proportions is given.

† £4,500,000 sterling.

" sury for public purposes on the first day of January next
 " (1837) of about 41,723,959 dollars. This sum, with the ex-
 " ception of 5,000,000 dollars, will be transferred to the several
 " States, in accordance with the provisions of the act regula-
 " ting the deposits of the public money."

We are not disposed to enter into the discussion which took place at the time relative to political consequences to be apprehended from the existence of a surplus revenue. We cannot, however, avoid expressing our opinion that the possession of a surplus revenue is dangerous to the tranquillity and freedom of the American people. The distribution of the said surplus is evidence of the political virtue of the General Government, but the only safe course evidently is a reduction of taxation equal, as nearly as can be calculated, to the excess. This has been agitated. The tariff is to be reduced more rapidly than the law of 1833 provided, but still not so rapidly or to so great an extent as we apprehend it should be.

By the act in question the duties on all articles paying more than 20 per cent., *ad valorem*, were to be reduced by 10 per cent. every other year until 1841, when half the remaining excess was to be taken off, and the other half in 1842. The effect of this law on heavy woollens paying 50 per cent. would be as follows :

In 1833, three per cent. would be deducted, leaving 47 per cent.	
In 1835,	44 ...
In 1837,	41 ...
In 1839,	38 ...
In 1841, nine per cent.	29 ...
In 1842,	20 ...

During the last session of Congress a proposition was made to reduce the tariff at once to the scale of 1842, but whether the proposition has ripened into a law or whether it remains over till the next session we have not been able to learn. If it become law our impression is that it will prove inadequate to the necessary reduction of revenue. Cheapness, consequent upon reduced taxation, will stimulate consumption, and in many cases an increase of revenue will follow a reduction of duty. We shall not push this question further, but shall return to the distribution of the surplus and its effects on the American money market.

The sum to be distributed is in round numbers 37,000,000 dollars, in quarterly payments of 9,250,000 dollars. The first payment was to be made on the 1st of January, and similar payments were to be made and we presume have been since made quarterly. The measure, during the interval between its adoption and its first operation, was attacked by the Bank party with that excessive virulence and disregard of reasoning which distinguishes the minority opposed to the Government. Stripped of this virulence the argument of the anti-democratic party amounted to this: that the preparation for this payment would compel the deposit-banks to curtail their circulation in a way similar to that which was resorted to by the United States Bank in 1833-4.

Now this appears to us to be a very great absurdity. Many of the deposit-banks of the General Government were also the deposit-banks of their respective States, hence in so far as they were concerned, the distribution would amount to a simple transfer from one account to another, without requiring any preparation whatever. In other cases the transfer would be made from one bank to another. But it is quite clear that any preparation the paying-bank might deem it prudent to make would be precisely counterbalanced by the increased accommodation which the bank expecting to receive would feel itself justified in affording. Anticipation we are quite convinced may safely be set against preparation; so that it is quite impossible to conclude that the quarterly transfer of a sum equal to about 2,000,000*l.* from one depository to another, and in many instances from one account in the same depository to another, could possibly produce any disastrous effects.

If the argument of the United States Bank party be worth anything it applies with threefold force to the payment of our dividends; which amounts to a sum of 7,000,000*l.* quarterly on the average. We never hear of alarm arising from the necessity of preparing for the dividends, though we do hear of "improvement in the money market" from the payment of the said dividends. This improvement is not nearly so great as many people imagine, for the very simple reason that the payment is anticipated. You are known to be entitled to a dividend and have moreover the reputation of being an honest man—have you any difficulty under such circumstances in

anticipating the whole or a portion of what is due to you? As for pressure from preparation, it certainly does not occur, for the very good reason that it is not necessary, the Bank directors having full confidence that the first million paid out will be re-deposited long before the second million is demanded. Like the daily evaporation which takes place from the earth's surface, the moisture is speedily restored in the shape of refreshing dews and invigorating showers.

To conclude our observations on this general division of the subject; we cannot entertain a doubt that the tendency of the several measures of the United States Government has been to render the currency of the country much more steady, uniform and sound than it would otherwise have been. Circumstances to be hereafter noticed have since occurred to thwart for a time the measures of Government; but when the effects of these subsequent events have passed away the beneficial character of the measures in question will we doubt not make themselves manifest. The spirit of speculation, though too strong to be repressed, was somewhat checked; and had the Bank and mercantile party fully cooperated with the Government, instead of opposing it in every possible way, we have not much doubt that the present disasters might have been avoided.

III. We now approach the last and by far the most interesting portion of our inquiry, namely, the remedies adopted by the banking institutions of the United States, led on by the United States Bank, for the purpose of mitigating the evil consequences resulting from the state of excessive speculation described in the first portion of this article.

1. The first of these in point of time was the loan of bonds or post-bills, payable in London at twelve months after date, to the American merchants, on securities not immediately convertible in the then state of the New York money market.

As this loan involves the *rationale* of relief to merchants during periods of commercial embarrassment, we shall take occasion to examine it somewhat in detail.

Almost every newspaper reader—and who in this day is not?—must be familiar with the facts of the case which we are about to investigate; we shall therefore touch upon them very briefly.

One of the results of the embarrassment which naturally

succeeded the period of excessive speculation in America was, that the merchants of New York, owing to the inconvertible nature of the ordinary mercantile securities and to the impossibility of realizing mercantile property, found themselves incapable of making their remittances to this country; hence their credit here was well nigh destroyed, and the large American houses in their turn—the Wildes, the Wilsons, and the Wiggins—were thrown into a state bordering on bankruptcy. This state of things was naturally much dreaded by the mercantile and productive classes in America, and the banking establishments would feel themselves justified in adopting an extraordinary remedy, even though the remedy should not be unmixed with evil.

In this pressing emergency the Bank of the United States came to the bold determination of issuing a species of promissory note or post-bill* payable twelve months after date in London and some other European cities. These were advanced to the merchants of New York on securities not immediately available, and they were thus enabled to make good their most pressing engagements in this country in spite of the unsaleableness of mercantile property.

It is said that sums which the several banks resolved to loan would amount to D. 16,000,000: whether that sum was actually taken up we know not; this however is certain, that large amounts, for some time succeeding the measure, came into the London market, to the great relief, though unfortunately not to the salvation, of the large American houses.

Before we go a step further in this investigation, we must remark that all our subsequent reasonings assume that the relief had some effect. If it were so small as to have no effect on the trade, then, however much it may have relieved half a dozen individuals, as regards the object for which it was intended, namely to sustain confidence and credit, it may be regarded as wholly unprofitable and useless. That it has had some effect we have no doubt, and the object of our subsequent remarks is to trace out its nature. As to its degree, we have no intention of determining it positively; we shall therefore treat it hypothetically.

* They have acquired the name of bonds, but for what reason we cannot imagine.

In order to trace the effects of this relief on the state of trade, first in America and second in Great Britain, it will be necessary carefully to consider in what really consists that which is usually termed a period of pressure.

The first indication of a period of pressure is a downward tendency of prices. We say a *downward tendency* in preference to a *decline*, because the pecuniary difficulty is felt the instant the disposition to purchase ceases—in other words, the instant the tendency prevails.

The manner in which this tendency may be brought about may be thus explained.

The price of an article must in the long run—that is, on the average of a period—be sufficient to pay all the outlay employed in its production, together with the prevailing rate of profits to the producer. If the price at any time fall below this, the producer will diminish his activity until the reduced supply adapts itself to the demand, and prices again advance to a remunerating rate. If the price of an article advance above the remunerating rate, the producer will increase his activity—will borrow more capital for instance on higher terms; perhaps two other competitors will come into the field as producers of the article in question until the supply again adapts itself to the demand, and prices once more adjust themselves at the remunerating level.

If all the phænomena of production and prices, all the nameless changes of supply or demand, were accompanied by an accurate knowledge of the facts as they occurred, that is, if the facts and opinion of the facts at all times coincided, there would be no such things as over-trading or under-trading. A small increase of demand operating at once upon price would stimulate production to a degree just sufficient to provide for the necessary increase of supply, and when that was ascertained to be the case, the stimulus of a price above the level would be removed, and production would continue to be co-extensive with consumption, supply with demand.

But the knowledge of the fact and the fact itself are not coincident in point of time; and the following is the order in which the events of over-trading and subsequent pressure invariably occur.

We must begin by supposing a period of quiescence. The

prices of commodities generally are at a remunerating rate, and production is co-extensive with consumption. Let us now suppose some circumstance to occur to increase the demand for exportable goods. Owing to the natural increase of wealth and population in America for instance, the stocks of goods have there been considerably reduced, and advancing prices have sent a demand to this side of the Atlantic. Prices consequently advance here, and every manufacturer hastens to exert all his powers of production to the utmost in order to avail himself of the increased profits. His first efforts are successful. This stimulates him to further efforts, and he goes on producing not merely till a careful calculation would inform him that the demand must be satisfied, but so long as the stimulus of price continues unchecked. The American importer in like manner obeys the same impulse, and continues to send forward fresh orders so long as the high price continues, without stopping to ask, if it be possible that the excessive importation can be consumed within the course of the year.

Whilst the high price has thus operated as a decided stimulus to production, it has at the same time afforded a check to consumption. Thus at the same time we have two causes in operation to promote the accumulation of stocks.

If the demand for goods were at all times *direct* from the dealer who supplies the consumer to the producer or importer, knowledge of the facts would not be difficult of attainment—opinion as to the facts would be easy of formation. But during a period of advancing prices, every dealer in a given article is desirous of possessing it, knowing that it will grow more valuable in his hands from day to day. When one holder is satisfied with his profit, he will always find another person perhaps more sanguine than himself to ease him of his merchandize, and thus an article may pass through a dozen hands before it reaches the consumer. This is what is called a speculative demand, and may—in fact invariably does—go on long after the actual demand for consumption has received its check by the advance of prices. Thus a great speculative demand is not unfrequently—indeed is always at the latter stage—coincident with a diminishing consumption.

The dealer who supplies the consumer is the first to ob-

tain a correct knowledge of the true state of the case. From him the knowledge extends to the wholesale dealer; from him to the speculative dealer; and from the latter to the importer or producer; but not until the last impulse to importation or production has gone forth and is actively working its effects. At this stage there is a sudden pause in prices, now at the very pinnacle. The commercial world now, but unfortunately not sooner, begin to examine stocks. In first hands they are discovered to be large, in addition to ample stocks in the hands of all wholesale and retail dealers. In short it is discovered that there has been over-trading, and all who were before anxious to buy are now equally anxious to sell. Now it is that prices exhibit the downward tendency; in the next place they fall more or less rapidly in proportion as the previous advance and consequent stimulus has been more or less great.

This then is a pressure—a period of commercial embarrassment. What is the remedy? There is no remedy but that which is self-working. The decline of prices carries with it its own remedy, and this we shall at once proceed to explain.

The moment a knowledge of the accumulation of stocks spreads abroad, the disposition to purchase (as we have already stated) ceases. Even without waiting for the actual decline of prices, orders cease to be transmitted, or at all events are very sparingly transmitted to the producer. Presently, as holder after holder becomes anxious to sell, prices fall lower and lower, till at length they are far below the remunerating mean, and production is at its minimum.

But the same cause which checks production acts as a stimulus to consumption, and hence we have two causes simultaneously in operation to bring about a diminution of stocks.

What we have stated as to the cause of ignorance of the fact of a rapid increase of stocks, applies equally to the case of a rapid diminution. Owing to the absence of speculation, demand is, to use the common phrase, from hand to mouth. Hence while the real consumptive demand is actually great, demand considered in reference to the importers, producers and first holders appears to be small. Goods change hands only once or twice, where, in the event of a rising market,

they would change hands many times. Stocks in the hands of retailers will all be moved off before the demand extends to the wholesale dealers, and these again will be slow to believe that anything like a substantial increase of demand has taken place. At length, however, the demand does extend to first holders, and they are enabled to make sales at prices which were before merely nominal. At the next stage prices advance, and this again induces an examination of stocks, when it is discovered that diminution of stocks has far outstripped the knowledge of the fact, and prices advance with a rapidity commensurate with the intensity and duration of the previous depression.

We have now traced out a complete cycle of fluctuation, and this brings us to a consideration of the immediate subject of this section of our article, to which the explanation just given must be received as a species of preface.

Just as the American holders of British goods had evinced a strong desire to sell, as a means of making their remittances, and prices were consequently declining rapidly—just as a general conviction had seized the mercantile body that stocks were excessive, and consequently no buyers could be found—just, in short, as the stimulus was removed from production, and transferred to consumption, where it was wanted, the American banks step in, and tender to the mercantile body—what? A means of avoiding the necessity of making sales at a sacrifice—a means of upholding prices more or less: this we take to be the most striking effect of all extensive assistance rendered to merchants during a period of embarrassment, and it is important to trace the measure through all its several stages to its remotest consequences.

We have seen that a decline of prices is a condition without which the excessive production of an article or class of articles cannot receive its due check—without which an accelerated impulse to consumption cannot be given. A decline of prices can only happen from an active disposition to sell, in the same way that an advance can only arise from an active disposition to purchase.

If the assistance rendered to the mercantile class be to an extent entirely to obviate the necessity and therefore the disposition to sell, it becomes equivalent to the removal of a

portion of the stock of goods from the market. Men who before would have been anxious to avail themselves of a price which would involve only a moderate loss, will now determine to await the chapter of accidents, in the hope that something may turn up in their favour. Having their immediate wants supplied, they will not listen to an offer which falls short of their price ; the markets consequently assume an appearance of steadiness, and prosperity is thought to be restored ; this appearance may even regenerate a disposition to speculate, in which case there will be an advance of prices in the face of excessive stocks, simply because the quantity of goods removed from the field of competition has reduced the quantity actually in the market to something within the prevailing demand.

Let us now push our inquiry a point further, namely, to the immediate consequences of this state of things. Prices we have supposed have been upheld, and perhaps even advanced ; what is this but a continuation of the stimulus to production, and of the check upon consumption ? Producers and importers do not regulate their transactions by any careful and accurate examination of stocks and average consumption, all they regard is the inducement which the price holds out. Even supposing them to be in the habit of instituting such an examination, and to be most perfectly aware of the extent of the average consumption, and consequently of the perfect inadequacy of that consumption to absorb the existing stocks, the bare fact of a continuance of high prices would lead them first to a suspicion, and subsequently to a conviction, that some new demand had arisen. Being unable to account for the phenomenon, they would assume a new demand as the most probable solution of the difficulty, and this they might do without being chargeable with any gross violation of the philosophy of trade. Thus production would go on without any check, until the quantity actually in the market should become equal to the effective demand ; the reserved stock in the hands of those holders who by the supposition had been relieved from the necessity of selling, being an actual surplus, to be brought forward and produce its effects on the market at some future period.

We have just spoken of the *effective demand*. The effective

demand we must not forget would necessarily be materially affected by a continuance of high prices: the check upon consumption which is afforded by a high price is so obvious, and has been so often adverted to, that we shall do no more in this place than remind the reader that on our supposition it has been continually in operation to produce an accumulation of stocks, independent of the reserved stocks, as we have taken leave to call them, arising out of relief afforded to holders.

But any relief which may at any time be afforded can only be of a temporary nature. It may be for a month, for three months, for a year, but still it has a limit. In the case which gives rise to these observations, the relief is for a twelve-month, or perhaps even for less,—hence a day of payment must come—how is it to be met? In no other way than by sales, that is, by throwing goods upon the market. The banks make their demands upon their immediate debtors; these latter have only two ways of meeting this demand, namely, by pressing their debtors and by sales; they resort to both means. Their debtors are similarly circumstanced; the latter in their turn must press *their* debtors and dispose of *their* stocks. Thus every trader being in the position of a seller, demand is reduced to that which is for consumption, whilst supply is suddenly and greatly augmented. A fearful decline of prices is the inevitable consequence—a decline enhanced in the ratio of the previous stimulus to production and check upon consumption. In short, to return to the position with which we started, if prices were maintained at the point which they had previously reached, it must be quite evident that what was intended as a relief would amount not merely to a postponement, but to a serious aggravation of evil. The ultimate fall of prices would be commensurate with the previous advance, multiplied by the time during which the previous high prices were continued.

It is now high time to state that we have hitherto been dwelling on the extreme case; the supposition being that assistance should be rendered to an extent sufficient entirely to supersede the necessity of coming to market. Between this and the other extremes of non-interference—the *laissez-nous faire* of the merchants,—there must be an indefinite number

of degrees, the actual case of the American bonds or post bills lying somewhere between the two extremes.

There cannot be a doubt but that overtrading between England and America had received a severe, and therefore an effectual check, before the expedient of the bonds or post bills was thought of. The London merchants trading with America had been for some time in great difficulty, and orders to our manufacturers had been but sparingly given for some time previous. The spring imports to the United States had been completely checked; this checked the demand for cotton, so that on the whole all the conditions for a diminution of trade had been fulfilled. The great effect then of the assistance under notice must have been to enable American houses to a certain extent to sustain their credit; that is, to pay their debts previously contracted, and this, we may add, was the end sought to be attained. Still we must not forget that the effect was to stop the fall of prices at some point considerably short of the minimum. If that point were somewhat above the cost of production and importation, it must be evident that the stimulus to production would not be removed, though it would be materially weakened; if, on the other hand, the fall of prices should remain unchecked till it reached a point below the cost of production, it is equally clear that the stimulus to production would be removed, whilst consumption would be more or less encouraged, and the adaptation of supply to consumption would be brought about, though by a process somewhat slower than the ordinary rate. Still it resolves itself into a case of degree, and although it may happen in a particular case that some very great evils are avoided, or rather mitigated, by spreading certain effects over a protracted period, still we are inclined to think that the best of all ways is to allow such evils to work their own cure in the manner we have endeavoured to explain.

The peculiar state of the American cotton trade affords so ample an illustration of the principles we have laid down, that we shall make no apology for giving a brief sketch of its history.

Half a century since, the raw cotton consumed in this country was for the most part the produce of the East.

Compared with the present consumption, however, the quantity was insignificant, as cotton fabrics were supplied most cheaply from that quarter. Since that period a double revolution has taken place; first, our improved machines have enabled us to manufacture more cheaply than the people of the East; and second, raw cotton has been cultivated with great success in the Southern States of North America, the crops now amounting to nearly 600,000,000 lbs.

The peculiar feature of this branch of industry has been that, notwithstanding its great progress, it has not kept pace with the increasing demand; hence the trade has presented the apparent anomaly of advancing prices in the face of annually increasing crops. The trade, like all other trades, was subject to fluctuations, but the above was the broad, the general feature, distinct from temporary causes of disturbance.

During the season ending in October 1836, the demand for cotton, owing to causes which it is not necessary to our present purpose to investigate, received a marked check; not that actual consumption fell off, but the previous rate of increase was not maintained. This did not however occur sufficiently soon to remove the stimulus from the production of 1836-7; the stimulus had previously gone forth, and is now apparent in the growing crops, which it is anticipated will exhibit an increase in a ratio certainly not less than that of previous years.

Whilst the demand for cotton has not advanced according to the ratio of former years, the East Indies have become a renewed and fertile source of supply. Since the modification of the East India Company's charter, the supply of cotton from that source has been annually increasing, and it is anticipated that this year it will exceed 300,000, and probably approach 400,000 bales. This is a vast addition to the total supply, the effects of which cannot as yet be foreseen; this however is abundantly evident, that the prices which have stimulated increased production in America, have been more than equally, and in the same direction, operative in the East; thus a very active competition has been instituted between the cotton growers of America and those of the East Indies, and the question of victory between them can only be solved by the relative cheapness of their respective productions.

The cotton growers of America do not appear to have taken this new and vast source of supply into view. They appear only to have obeyed the accustomed stimulus, without reflecting that a country which could increase its production from about 80,000 bales to upwards of 200,000 during one year, would not be very likely to stop at that the next year. This is another case of the want of coincidence between the fact and the knowledge or opinion of the fact, to which we have already alluded. A careful examination of the power of supply possessed by the East Indies would have caused a diminished production in America without waiting for the removal of the stimulus; whereas by the obedience of an accustomed impulse, the cotton producers of both hemispheres will ere long be taught by a painful process of instruction, that lesson which they might have acquired by a moderate degree of skill in the application of an obvious and universally acknowledged principle.

To what it was necessary to say respecting the cotton trade, we have now merely to add, that the effects of the relief upon it will not differ in principle, though they may in degree, from those which we have shown would take place in respect of the import trade of New York. The merchants of this country to whom this relief is by remittance extended are holders of cotton; but for this aid they would have been compelled to force sales. Subsequent to the relief they would be in a better position to hold—in other words, they would be enabled to withdraw portions of their stocks from consumption, and to hold out for a price which buyers might not be disposed to give; the consequence is, that price, to a certain extent and for a time, was sustained, that is, it was prevented falling as low as it would otherwise have fallen. In New York, New Orleans, Charleston, and the other exporting markets, the same state of things has prevailed. The holders are the persons relieved, and *pro tanto* enabled to keep back portions of their stock for a further time.

In the case of the cotton trade, it is evident that all this will be insufficient to continue the stimulus to 1837-8, but we have no doubt that it may be sufficient to check consumption, and thus exclude from operation one of the remedies for excessive stocks. Ultimately stocks must be brought

to market; and thus it is that a pressure which, if spread over a lengthened period and subjected to timely check, might have been quite supportable, is converted into a fearful revulsion. The stream which had been dammed suddenly breaks from all restraint and inundates all around it.

We shall now proceed to trace the measure under notice to some further consequences incidental to its peculiar character.

One effect of a period of pressure is that specie not unfrequently leaves a country in the face of a rate of exchange not unfavourable. This is an apparent anomaly and requires explanation. To warrant an exportation of the precious metals, it is said, exchange should be, let us suppose *two* per cent. against a country, the expense of transmission being somewhat less. Exchange however happens to be at par, or perhaps even at a trifling per centage in favour of the country. Hence to export the precious metals would be between two and three per cent. dearer than to purchase and remit bills. They who look only at the market-rate of exchange, and who consider it an infallible index of the motion of the precious metals, would say that under such circumstances the said metals could not possibly leave the country. To this we reply that the precious metals do in fact, as already stated, frequently leave a country in the face of an exchange in her favour, merchants being willing to sustain the loss rather than run the risk of purchasing a bad bill. Now this risk is a per centage capable of being estimated; hence the cost of transmitting the metal is in this case equivalent to what merchants call a guarantee commission on the sum to be remitted. Suppose a merchant of New York being about to make a remittance to his London correspondent receives a letter stating that "caution should be used in purchasing exchange, inas-much as the London bill-brokers are demanding two per cent. commission on New York bills." If on calculation the merchant finds that he can send gold at a sacrifice of $1\frac{1}{2}$ per cent. he will choose the smaller of the two losses and send gold, although bills of exchange may be purchased at par.

Now this motive to send specie to this country would cease on the appearance of the post-bills or bonds of the American banks in the New York market. A mode of remittance equal

to a bill of exchange of undoubted character offered itself to the merchant's notice, and the saving of the cost of transmitting bullion would at once determine him to abstain from that mode of remittance, to decline the payment of what we have called a guarantee commission. Specie might still be transmitted to this country from America independent of the operation of the recent suspension, but it would have been in obedience to some other motive than that which we have just pointed out.

It has been said by some of the newspapers, and by one the statements of which deserve the highest respect—we mean the *Spectator*—that the effect of this importation of American securities will be to drive bullion out of this country. This effect could not, we apprehend, have taken place in the present circumstances of the commercial relations between the two countries. There is still, and there will probably for some time continue to be, a considerable debt owing to England by the United States. This is indicated by the rate of exchange in New York being so frequently in favour of this country. Hence all that could have been anticipated as the result of the importation of the post-bills was, that a supply of bullion, which under other circumstances might have been expected from America, would have been withheld subsequent to the issue of the said securities. Exportation would have ceased, supposing specie payments to have continued, unless the circumstances of the trade (such as a short exportation of cotton, or a great decline of its price here, or a renewed exportation of British goods to America,) should have turned the exchange much against America; in which case the precious metals would have left America for the sake of the profit or saving to be derived from the operation.

Between gold and silver there is room for choice in America, owing to the fact that their legal standard interferes with the average market proportion between the values of the two metals; but as we have already explained this in our section on the operation of the gold bill (II.2) we need not pursue this part of the subject further.

It only remains to notice an extreme supposition. Should

the American bonds be poured into England to an extent to promote a considerable exportation of bullion, we may be quite sure they would speedily be discredited here, so as to make it worth the Americans' while to send gold back again. The Americans with a metallic currency would only require a certain amount of bullion: when once that is supplied, a further addition would depress the price to an extent to send it forth again to seek a market. To hear and see the nonsense that is talked and written about a drain of bullion, one would suppose that people ate it, and could not live without eating it.

But even without any supposition of the bonds being discredited, allowing that ten millions worth of such bonds could be kept afloat in this country, it does not follow that the Americans would take our gold. By the supposition the Americans are fully supplied. What they want is not mere gold, but serviceable capital, capable of giving effect to their vast resources. Hence for our liberated gold we should have to find a market elsewhere. Hitherto we have regarded these securities merely in the accidental character they have been made to assume, namely that of a relief to merchants; we are now about to regard them in their permanent character of a means of borrowing capital, that is of facilitating the transfer of capitals from the old to the new world, and thereby equalizing the rate of profits in Europe and America.

In the event of overtrading—as for example at the present time—America has imported more than she has the immediate means of paying for. She must therefore pay for the surplus out of the resources of a subsequent year. But this amounts to a diminution of the purchasing power of that year, and there would arise a necessity to abridge importation to the extent of the inroad thus made on her resources. But suppose at this moment England were to consent to take payment at distant periods or to take the interest merely on the debt; what would this amount to but a loan of capital for the time agreed upon, and a restoration of the purchasing power of the country? Now this is precisely what is done by the importation of American securities, of which the post-bills under notice are only one species out of many.

In a country in a state of tranquillity, and where the means of communication are in a good state, capital shifts itself from

place to place and from one employment to another with great facility. With regard to the transfer of capital from one country to another, however, the case is somewhat different; a considerable difference in the rate of profit may afford an adequate motive to the transfer, and yet, owing to numerous impediments, capital may not travel to the more productive country. People generally are indisposed to trust their capital out of their sight. Though they may be willing and even desirous of abandoning active superintendence, they may still be desirous of having their hard-earned savings within their control. This difficulty is only got rid of when opinion is so far in favour of a foreign security as to render it negotiable in the market where the capitalist resides. This difficulty may now be said to be obviated in the case of America.

Another difficulty in the way was the small number of years which had elapsed since we were at war with our now gigantic offspring, and we have only just ceased to regard them—and they us—as a hostile power. Our monied men too could with difficulty persuade themselves that the democratic form of Government as established in America was likely to be permanent, or even if permanent likely to keep faith with us. These several objections and many more have however melted away before the genial influence of increased and increasing intercourse. All idea of war between old country Englishmen and new country Englishmen has been long since abandoned. The Americans are too commercial to be warlike. The last war was not popular, and was more than once nearly extinguished by the trading spirit of the east; that spirit pervaded the councils of the Hartford convention, and will doubtless continue to diminish the chances of hostility, to keep the olive branch displayed.

Of the stability and also of the good faith of the American Government no one now entertains a doubt. We may now and then laugh at Brother Jonathan's "wooden nutmegs," and other "notions," but when we are serious we find every one ready to bear witness to the high integrity of America in her intercourse with other nations, and the London, Paris and Amsterdam stock and share lists testify that there is now no indisposition to invest capital in American securities.

Every importation of American securities is in one sense

equivalent to an importation of commodities, inasmuch as if not already transmitted, it is a value to be transmitted to America in some shape or another—in goods or in specie. That such securities are for the most part paid for in goods from Europe, let the following table bear witness :

Year.	Imports.	Exports.	Deficiency of Exports.
1832 . . D.	101,000,000 . . D.	87,000,000 . . D.	14,000,000
1833 . .	108,000,000 . .	90,000,000 . .	18,000,000
1834 . .	127,000,000 . .	104,000,000 . .	23,000,000
1835 . .	150,000,000 . .	119,000,000 . .	31,000,000
1836 . .	173,000,000 . .	138,000,000 . .	35,000,000
Total	659,000,000	538,000,000	121,000,000

By the above table the Americans appear to be annually in the habit of purchasing from £3,000,000 to £7,000,000 more than they can pay for. But if this were the case the exchanges would be constantly against America, to the full limit of the expense of transmitting the metals of which she would suffer a constant drain. At some point there would be a check upon importation. Exchange, however, is not permanently against America ; in the very face of an apparently heavy importation exchange may occasionally be observed in her favour. What does this indicate ? It indicates that the annual excess is a balance not to be remitted, a balance transferred from countries where the rate of profits is low, to the United States where the same rate is high.

The leading circumstances which determine the rate of profit, and we may add of wages, it may be well to explain.

The rate of profit in all employments is regulated by that which is yielded by raising the food of the people. If the rate of profit be higher for a time in other employments than in agriculture there will be a tendency to remove capital to the more productive employment : if on the other, it be higher in agriculture than in trade or manufactures, capital will flow towards agricultural employment till an equilibrium is produced, the absolute necessity of having food rendering it the regulator of profits.

The question then resolves itself into this :—to what cause is attributable a high or low rate of profits in agriculture ? and this question can only be answered by understanding the nature and operation of rent.

In countries, the population of which is scanty compared with the breadth of land, the food necessary for the subsistence of the people can be raised under the most favourable circumstances. That land only will be cultivated which yields the largest nett return ; generally speaking, the best lands in the most advantageous situations only will be resorted to, and the condition of the people will be one of comfort.

Let us now suppose that population advances till the best circumstanced lands are inadequate to the production of the requisite quantity of food ; the price rises to a point sufficient to call into cultivation lands somewhat less productive.

When this takes place there are three several ways in which the increased supply may be obtained.

Firstly: By resorting to lands of somewhat inferior quality, yielding, let us suppose *one tenth* less.

Secondly: By resorting to lands of equal quality, but situated at a greater distance from the place of consumption, and coming, costing let us suppose *one tenth*, to convey the produce to market.

Thirdly: By a further application of capital to lands already in cultivation, with a less return of say, *one tenth*.

Under any one of the above suppositions there would arise competition for the best lands, and the owner of the said lands would be able to obtain one tenth of the produce as *rent*, because men would be willing to give that rather than take the trouble to move, or if they did move others would be willing to give it. The landowner would not be able to extort more, because other lands would be resorted to yielding one-tenth less than the old lands, rather than pay the landlord a larger proportion.

At a further advance of population all these effects would be repeated ; still worse lands or land still more disadvantageously situated would be resorted to, and rent would make still further progress.

Now, what is the effect of all this on profits and on wages ? In the first instance the capitalists and labourers would share the whole produce between them according to a principle of double competition—a competition of labourers *inter se* against capitalists *inter se*, which it is not necessary here further to explain. After the creation of rent however, it

is quite clear the capitalists and labourers would have a smaller total to share, for every 100 quarters which they before shared they would at the second stage of population have only 90 quarters, and at the third stage only 80 quarters; hence as population tends to advance, profits and wages tend to decline.

There is one means however by which this decline may be arrested, namely, by foreign trade. Thus, suppose population to have advanced so far as to render lands of the first and second degree inadequate to produce the food of the community, and that it is necessary to resort to lands of the third degree, yielding only 80 per cent as compared with the best lands. If at this time a neighbouring country were to step in and offer 90 quarters for the price of 80, taking manufactures in exchange, it is quite clear that land of the third degree would not be cultivated; profits and wages would not decline; rents would make no progress.

But suppose at this moment the owners of the soil could obtain a law to be passed, taxing the imported food in a sum equal to the difference between the productiveness of the two last degrees of land. What would be the consequence? Foreign trade would not take place, land of the third degree would necessarily be cultivated, rent would advance one stage, and profits and wages would decline as before. This is a brief explanation of our corn law.

This explains the cause of the high profits of America and of the low profits of most of the countries of Europe. The former has abundance of rich land, whilst in the latter countries land, compared with capital and labour, is scarce.

To return now to the American post-bills and to conclude this somewhat long section. So long as the difference above described shall continue, such securities will find a ready demand in the European money markets. Nominally, a day of payment is fixed for these post-bills, and the capital they represent is *pro tanto* borrowed for a limited time, but in practice the loan may be rendered permanent by issuing a fresh set of bills to pay off the existing set.

In this way the disposition of the capitalist to seek the most profitable employment will have constantly ready at hand a means of gratification. There will be a continued approach

towards an equalization of profits between the two countries, and as the breadth of rich land in America is enormous, that equalization will be produced almost entirely by raising the rate of profit here up to the American standard, and not by depressing the latter down to that of Great Britain and other countries similarly circumstanced.

What we have endeavoured to show throughout this section is, that there is not only nothing injurious to the interests of this country in the importation of American securities, but that any measure of the kind must be ultimately beneficial, by facilitating the transfer of capital to a more profitable employment than this country affords—a double advantage be it remembered from the increased market opened to our manufactures. This is the essential feature of the case, the evil which we have pointed out being purely of an *incidental* character arising from the purpose to which the bonds or post-bills were applied in the first instance, and being in no way a property inseparable from such securities. That we have brought prominently forward an *accident* rather than a *property* of the securities in question, arose from a conviction on our parts that in that direction lay the chief misconception to be cleared up.

2. The last measure which we are called upon to trace to its consequences is the universal suspension of payment by the banking institutions of North America.

We have seen that the measures of the Government of the United States, intended to impose a check upon the spirit of speculation, were of but little avail, and from what has been stated in the preceding section the reader will have collected that the commercial difficulties which ensued were far too extensively ramified, far too intense in degree, to be remedied by such relief as the post-bills of the banks were adequate to afford. To a certain extent the merchants of New York were enabled to make their remittances; though, as the result has shown, not to an extent even to guarantee the safety of their correspondents here; but as regards their internal engagements the American merchants were in no wise relieved. Extensive failures consequently took place, first in New Orleans and immediately afterwards in New York. Alarm spread with fearful rapidity; the banks found the demands upon their

deposit accounts to be increasing, and in some few instances their circulation began to return upon them. A bank now failed; alarm spread further, and a general run set in upon the banks from all quarters. In a few days from this date, without anything like concert, in many instances without the slightest communication one with another, nearly every banking institution in the commercial cities of America had suspended specie payments.

Some of the legislatures in Session authorised the suspension for a year, so that it may be regarded for all practical purposes as an authorised restriction, similar to that of the bank of England in 1797.

The consequence was that the currency of the United States became immediately depreciated, not from new issues, but from the fact that continually decreasing transactions demanded a contraction of currency which could not now take place. A reference to the rates of exchange and to the price of bullion will show the approximate depreciation. On the 6th of May, just previous to the suspension, bills of exchange of undoubted character sold for 493 dollars, £100. As 487 dollars is the par this indicates a premium of $1\frac{1}{4}$ per cent, a premium so small that we may safely assume it to be a *real* exchange, and not a mere nominal exchange resulting from depreciation. Sovereigns at the same time sold for 4 dol. 95 cents. to 5 dol. the latter price indicating a premium of 2·7 per cent—a premium which might well exist without depreciation.

On the 16th of May or ten days afterwards, the suspension having in the mean time taken place, exchange was selling at 520 dol. to 524 per £100, and sovereigns at 5 dol. 30 cents. the latter indicating a premium of nearly 9 (8·8) per cent. Deducting from this 2 per cent as the real exchange warranted by the balance of transactions, the above prices indicate a depreciation of 7 per cent.

One month afterwards, or on the 16th June, the bills of the commissary general of Canada sold in New York at 542 dol. per £100, which is a premium of 11·3 per cent. Sovereigns at the same time were selling at 5 dol. 45 cents., being a premium of nearly 12 per cent (11·9), and making a deduction of 2 per cent as before, indicating a depreciation of as nearly as possible 10 per cent.

That the depreciation will stop here there seems to be no prospect. The papers announce that some banks have determined to increase the issues "for the purpose," of course, "of relieving the mercantile and industrious classes," saying nothing of their own profits. As trade and industry become more completely checked there will be less circulation required, so that a double cause of excess and *pro tanto* of depreciation will be called into action. Where it will end makes no difference to the observations which follow, as it can only affect the degree in which certain principles must operate.

The effects of depreciation have been so often pointed out within the last twenty years that we do not feel called upon to dwell upon the subject at any great length. Generally, therefore, we shall strive to be brief, dwelling only on such peculiarities of the especial case as seem to us to demand more careful notice.

The first great effect which springs from depreciation is what is usually called in neutral language, *the disturbance of existing contracts*. In parallel phrase, picking pockets might be called "the disturbance of the existing distribution of property." Depreciation is, in fact, an authorised robbery of all creditors for the benefit of debtors. Depreciation being 10 per cent, debtors are permitted to obtain a forced discharge from their creditors, by paying 90 per cent of their engagements, or, in phrase more familiar to Englishmen, *eighteen shillings in the pound*.

The peculiar hardship of this in the case of a people carrying on foreign trade is its extremely partial operation. The class who are creditors in America are at the same time debtors to England and other European countries. As their contracts with their English creditors are for so many pounds, shillings and pence, those contracts require to be fulfilled, how many dollars and cents soever such fulfilment may cost. A. of New York has imported, say British cottons, and has sold them to B. at such prices as he calculated would enable him to make remittance to his Liverpool merchants and pay all other outgoings. He has sold them, however, not for cash but on credit. In the mean time the depreciation takes place. His debtor B. pays him so many dollars and cents as he had engaged to pay, but when A. comes to invest those

dollars and cents in sovereigns or a bill of exchange, he finds that they will purchase one tenth less than he had calculated on. He is thus a loser to that extent. Is B. a gainer in the same proportion? Let us inquire. B. has either kept the goods or he has disposed of them. If he has sold them, he also is compelled to receive less than he calculated upon; but as the depreciation benefits him in his payment to A. just as much as it injures him in his receipts, his position remains unaltered. He loses 10 per cent by his debtor, but as a debtor to A. he gains 10 per cent. But on so much of the price of the goods as formed his profit he is a loser, because when he lays out that portion he finds it will command less of commodities than he calculated. If, however, he has kept his goods until after the depreciation has taken place, he is a gainer thereby. He has purchased the goods at the metallic standard and calculates upon selling them, say for 120 dollars, to replace the 100 dollars owing to A., with 20 dollars of profit. In the mean time goods advance 10 per cent, and he sells for 132 instead of 120. With 100 dollars he discharges his debt to A., and has 32 dollars as profit instead of 20 dollars. Of this 22 dollars will be equal in purchasing power to the 20 dollars he expected, so that he is a clear gainer of 10 dollars of the new money equal to about 8 dollars of metallic money.

The great evil of this species of authorised robbery is that it falls most heavily on the industrious poor,—all, in fact, who labour for hire. The class is neither so extensive nor, consequently, so depressed as in England, but still in the northern and eastern states there are many who will feel the depreciation severely. The class subsisting on wages have contracted to receive so much, and the way they suffer is by the advance of price of every article on which their pittance is laid out. In England where wages may be said to be reduced to a minimum, just in fact within the limits of starvation, the process by which in the event of depreciation, wages would be ultimately elevated in the ratio of the depreciation, would be a frightful course of misery and privation. In America, where wages are high enough to bear taxation, there would still be considerable privation, but as there

would be no degree of misery adequate to the diminution of numbers, the depressed condition of the industrious classes would be co-extensive in point of time with the depreciation. This is supposing the depreciation to keep within moderate bounds. If it proceeded to an extent to reduce wages in any considerable degree, labourers, rather than submit to such a forced distribution of the whole produce between themselves and the capitalists, would abandon the employments for hire, and would occupy land whence they would draw a somewhat higher remuneration. The effect of this would be an advance in the rate of wages; but it is evident that such abandonment of employment would not take place until depreciation had reduced real wages to a considerable extent.

The effect of depreciation on wages may safely be taken as an explanation of the reason why the mass of the people of the United States approve of the measures of their government against a small note currency. They have more than once suffered by depreciation, and they are not sorry to see steps taken to prevent a recurrence of the evil. The opposition of the monied class to the measures in question proceed from their very opposite interest in depreciation. To such of the monied class as employ labourers the depreciation is favourable. A few words will explain this. Suppose a commodity to be produced, worth in the market 1000 dollars. Out of this 500 dollars have been advanced from time to time as wages. Prices now rise 10 per cent, and the commodity sells for 1100. If a due adjustment were possible 550 ought to be paid to the labourers, and 550 to remain to the capitalists; but as wages cannot rise except by an increase of capital, and *pro tanto* of demand, or by a decreased supply of labour, which as we have seen would not for some considerable time take place, the labourers will be compelled to accept the 500 dollars and to submit to a diminution of enjoyments, whilst the capitalists would have the whole 600 dollars instead of 550. The capitalist thus gets an advance sufficient to place him in the same position as before, in addition to which he gets the labourers' share. Should depreciation extend to 30 or 40 per cent, the effects on the indus-

trious class in America would be quite disastrous before the expedient which we have named above would be resorted to*.

We stated a few paragraphs back that contracts with England being to pay so many pounds, not dollars, will require to be fulfilled, how many dollars soever it may cost so to do. A proposition to this effect has been banded about in the newspapers supposed to be learned in "City Article," and an inference drawn that the English creditor cannot become a loser by American depreciation. This inference is quite just as regards such contracts as may be fulfilled. The post-bills, for instance, which formed the subject of the last section, will no doubt be fulfilled; but will all debts be so punctually paid? We apprehend not. The robbed creditor in America, who is but just solvent—and there are doubtless many in that and in a worse condition—will be unable to meet his English engagements, and in this way the English creditor will lose by the indirect operation of the depreciation.

Even they who are solvent will be tardy in making remittances. They will find it extremely hard to pay 545 dollars where they had calculated on paying only 487; the more especially as their debtors, as we have seen, are exempted. Delay tires the English creditor, and he sends a partner or an agent to America to collect his debts. By so doing it is a question whether he does not put himself into the position of an American creditor, and oblige himself to accept the par value of 100%, or 487 dollars, instead of the current value, or 545 dollars. The door to litigation is clearly opened, and whether the American courts decide against or in favour of the English creditor, there must evidently arise an uncompensated balance of loss and vexation. Saying nothing of this, however, and assuming that all solvent debtors make good their engagements without either quibble or delay, there will still remain as a source of loss to this country, the diminished power of American importers to make their remittances, ow-

* Such being the effects of depreciation on the interest of the working classes, it is to us a matter of wonder that the working men of Birmingham should ever shout for Mr. Attwood. That the masters should do so is not to be wondered at. It is a scheme to increase their share of the gross produce, to the injury alike of the labourer and the landowner. Rents would be nominally the same, but they would command less in the markets when they came to be expended.

ing to the robbery to which they in their capacity of creditors in their own country have been subjected.

Before we dismiss the subject of contracts, we must say a very few words on the subject of restoration, which, as the suspension is only authorized for twelve months, must begin to operate very shortly. As by depreciation all creditors are robbed, so by restoration all debtors are robbed. He who has contracted an engagement in a depreciated currency will have to fulfil it in a restored currency, and he will lose the difference. If he who is robbed to-day were permitted to rob to an equal extent this day twelve months, there would at all events be a semblance of equity in the process; but unfortunately he who is a creditor now may be a debtor twelve months hence, and so be compelled to submit to be robbed in both capacities. Put a very probable case. An American importer being legally robbed, as explained, by his debtor, cannot make his remittances. He therefore borrows in order to sustain his credit and engages to make repayment in a twelvemonth. The money he borrows, let it be remembered, is depreciated money, and before the twelvemonth comes round restoration has taken place. Thus he is twice robbed, *first* by his debtor, and *second* in fulfilling his engagement with his creditor.

Nothing more need be said on the subject of contracts. No doubt can exist that there is up to this point of the inquiry an uncompensated balance of evil. It now only remains to inquire whether there be any advantages, such as a stimulus to industry or a saving of labour, likely in the end to make it worth a nation's while to suffer the evils which we have described.

For the purpose of rendering the business of interchange as perfect as possible a certain amount of circulating medium is necessary. If that amount be not furnished sacrifices will be made—and wisely made—to obtain it. When once obtained, however,—when the channels of circulation are abundantly filled, any increase is attended with evil. Besides the disturbance of contracts already fully treated, superabundance of money is attended with this evil; that an undue portion of the national resources having gone to the importation of money, it follows that an inadequate portion must

have gone to the production or importation of some other commodity. So long however as a currency is metallic, or if of paper, is perfectly convertible, the evil remedies itself. Prices, including the price of exchange, advance generally, in other words money falls. Specie is accordingly exported until its price rises, that is, until exchange again falls. The articles, the production or importation of which we have supposed to have been neglected as a consequence of the undue importation of money, will advance in a greater ratio than the general advance from the increase of circulation. This extra advance, the result of actual scarcity of the article, will stimulate an extra supply until quantities and prices are *in equilibrio*. As far as our brief analysis has gone, not only has no advantage arisen from an increase of money, but there is a disadvantage; a disadvantage easily remedied, however, under a state of freedom.

But the above statement does not touch the case of paper money. Is there no advantage from its use? Clearly there is. The precious metals cost something. If produced in the country, capital and labour are employed in their production. If obtained from another country, commodities of some kind, the result of the employment of capital and labour, must have been exported to pay for them. The use of a substitute, such as paper, saves all the capital and labour employed to produce or import that portion of the metals which the paper displaces, which capital and labour or its result may at once be devoted to the production or purchase of other objects of enjoyment. This is an advantage which all can understand, and which all admit, however much they may differ in striking a balance of all the advantages and disadvantages arising from the use of paper money.

But inasmuch as no advantage, but a disadvantage, arises from an increase of metallic money, beyond the quantity which is required for the business of interchange, so also nothing but disadvantage can arise from an increase of paper money beyond that portion which exactly represents the metals displaced. If convertible, no such increase will be permitted to take place. Why not? Because it is every body's interest that no such increase should take place. It is only when the interest of the community is not permitted freely to regulate

its actions that excess and depreciation can take place. All that depreciation does is to raise prices *nominally*, and it is because the rise is nominal that contracts are disturbed and industry not stimulated.

Take the case of importation. Prices have advanced, say 10 per cent. Will a dealer be induced to import? Certainly not. Merchants engaged in foreign trade do know something—though not so much as they ought to know—about the exchange. Though prices may have risen 10 per cent, the merchant will at a glance perceive that exchange having risen to a like extent, it will cost him all the supposed gain on his goods when he comes to purchase the means of making remittance. The exporting merchant also makes a calculation somewhat similar. The advance in exchange would operate as an extra inducement to export, were it not that he finds exportable goods to have advanced in a like ratio. Hence there is no new inducement; neither is any existing inducement removed. If the exporter had previously determined to export, the advanced price of exportable articles would not deter him from so doing; because he would receive compensation in the advanced rate of exchange.

One case remains to be examined, namely, that of the producer who seeks his market at home, who regards not, and therefore is in no way determined by, the exchanges, and who only obeys the ordinary stimulus of price.

In a former paragraph we explained the interest which the capitalist has in depreciation, to consist in the non-advance of wages, and the consequent increase of profits. The question is whether this increase of profit will lead to an increased production. We must here observe that any such supposition assumes that capital was previously not fully employed; for if fully employed it is evident that no increase could possibly take place.

Let us suppose then that capital not being fully employed, the capitalist determines to increase his production in the hope of securing the increased per centage profit on a larger amount of goods. He accordingly employs more labourers. Now this new demand for labour either raises wages or it does not. Let us take the latter supposition first. The capitalist, finding he can go to work without paying higher wages, pre-

pares his commodity and goes to market. Here he finds that there is no new demand for commodities, and the additional supply which he furnishes has the effect of depressing prices, probably to an extent more than adequate to the destruction of his anticipated gains. If on the other hand his demand for labour should have the ordinary effect of raising wages, he would be warned thereby not to proceed; but if, neglecting this warning, he should still persist, his commodity when produced, would still be in excess, and would therefore depress prices as just explained. Thus in the case of an advance of wages the persevering capitalist would be doubly defeated. *First*, the increased wages would deprive him of his anticipated profit; and *second*, the increase of supply without an equivalent increase of demand would entail an actual loss. Thus though production might increase, it would be in obedience to a false and deceptive stimulus, and such increase, instead of being a good, would be an unmixed evil. In practice it would probably happen thus: some capitalists would have intelligence sufficient to perceive that the advance of prices was purely nominal. These would not increase production. They would see that the advantages of their position would be lost the instant they went into the market as demanders of labour. Other capitalists of less intelligence would probably obey the deceptive stimulus. Say for example that half would and half would not, the result would be that wages would advance to half the extent of the depreciation. But this advance would not last, because so soon as the commodity should be taken to market a decline of price would take place from excess—there being no new demand, the fallaciousness of the stimulus would be apparent, the demand for labour would cease—or rather would fall for a time as much below the former level as it had just risen above it, and wages would decline in a like ratio. Thus our former statement concerning the effects of depreciation in deteriorating the condition of the labourer remains unaffected.

In the case of the United States it will be observed that whatever advantage in the shape of saving is derivable from the use of paper money, the United States enjoyed before the depreciation. With the exception of the use of gold and silver for small exchanges, their channels of circulation were

filled with paper. They had paper money as low as five dollars ; thus the advantage belonging to paper money forms no part—is no deduction from the evils of the recent suspension.

In so far as some capitalists would probably obey the false stimulus, the natural remedy of over-trading on which we have been careful throughout this article to dwell, would receive a further check in its operation ; so that in place of any advantage arising to compensate the two sets of evils incidental to the double disturbance of contracts, first by depreciation and second by restoration, there is a further set of mischiefs to be added.

Nothing now remains but to remind the reader that where slave labour is employed there is no disturbance of contract, and consequently no stimulus to production from an increase of profits arising out of a non advance of wages, as in the case of free labour. As prices advance, the maintenance of the slave labourer—an item standing in the place of wages—advances also, and the capitalist at once perceives that though prices have apparently advanced, all his out-goings have been augmented also.

We have to apologize for the length to which this article has extended ; but when the nature and extent of the subject and the number and importance of the topics embraced are considered, we trust the reader will perceive that our exposition, especially of the last two sections, could not have secured its due development in a shorter space.

ARTICLE VIII.

1. *Debate on the Danish Claims in the House of Commons, May 16th, 1834.—Mirror of Parliament.*
2. *Report of the Commissioners for investigating the Danish Claims. Ordered by the House of Commons to be printed April 3rd, 1835.*
3. *Debate on the Danish Claims in the House of Commons, July 15th, 1836.—Mirror of Parliament.*
4. *Petition from the Danish Claimants for ships and goods, printed with the Votes of the House of Commons, May 3rd, 1837.*

THE discussion of questions relating to the Law of Nations falls peculiarly within the province of this Review. We shall therefore offer no apology for devoting a few pages to the consideration of the case of the Danish Claimants. We shall first state as concisely as is consistent with the requisite clearness the leading facts of the case.

“ If rogues,” says Bentham, (*Rationale of Judicial Evidence*, vol. i. p. 6.) “ did but know all the pains that the law “ has taken for their benefit, honest men would have nothing “ left they could call their own.” This observation which Mr. Bentham applies to the Law of England is perhaps still more applicable to what is commonly called the Law of Nations, but what is more properly called International Law. Though very much inferior in bulk as well as complexity to the Law of England, the Law of Nations is still more loose and vague in its expression, and it has the disadvantage of wanting a sanction,—a paramount and pervading power to enforce it,—which circumstance in strictness deprives it of the character of law, leaving it only that of custom or usage. It will naturally then be an admirable instrument in the hands of rogues and fools for working mischief to honest men.

In the year 1807 the British Government, *without any declaration of war*, whilst the minister of Denmark was residing at the British court, and whilst in fact Great Britain and Denmark were in a state of profound peace with one another, sent a secret expedition against Denmark, which in the be-

ginning of September bombarded Copenhagen and seized the Danish fleet.

"It is not immaterial," says Mr. Clay in his speech, "that the House should be aware how enormous was the amount of the property thus acquired and transferred to this country. Admiral Gambier writes under date of the 20th of October,—

"In the space of six weeks 16 sail of the line, 9 frigates, 14 sloops, and smaller vessels, besides gun-boats, have been fitted for sea, with all the large ships laden with masts and spars, timber and other stores, from the arsenal; from whence also 92 cargoes have been stripped of naval stores on board transports and other vessels chartered for the purpose, the sum of whose burden exceeds 20,000 tons. A considerable number of masts and spars have been put on board the *Leyden* and *Inflexible*, and some valuable stores on board other of his Majesty's ships."

"On the 30th of October the British fleet quitted the shores of Denmark, leaving for the protection of British commerce not so much as one single cruiser in the whole of the Baltic Sea."

Shortly after the departure of the British fleet for Denmark, that is early in August, an embargo was laid, by Order in Council, on all Danish vessels in British ports, and the commanders of our ships of war were directed to detain and bring in all vessels sailing under the flag of that country in the high seas. Under this order no less than 320 Danish vessels were seized, which with their cargoes being sold by the British Government, produced a sum of £1,379,000 sterling. The Danes by way of reprisals for so unusual a proceeding confiscated or destroyed British property of every description, wherever it fell into their power; a measure which proved ruinous to several hundreds of British subjects. Still, so extraordinary, so thoroughly anomalous and unprecedented were the circumstances of this case, that the Danish minister actually did not leave England till the 20th of November, and the declaration of war was not then made till the 4th of November. During that long interval war was either not contemplated by the rulers of this country, or their conduct to their subjects is the most extraordinary and most unwarrantable to be met with in the whole history of civilized nations. We quote an important passage on this point from Mr. Clay's able speech; though long it is both important and interesting.

"After the return of these armed negotiations, a British diplomatic agent (Mr. Merry) remained for two months at Helsingbourg in the hope and expectation of averting war. The Danish minister did not leave England until the 20th of November—induced, probably, to remain by the

tenor of the declaration put forth in apology for the attack on Copenhagen, by this Government, on the 20th of September. In that declaration it was stated, after saying that his Majesty owed to himself and to Europe a frank exposition of the motives which had dictated his late measures in the Baltic; and that his Majesty had delayed this exposition only in the hope of that more amicable arrangement with the court of Denmark, which it was his Majesty's first wish and endeavour to obtain, for which he was ready to make great efforts and great sacrifices, and of which he never lost sight in the moment of the most decisive hostility;—that his Majesty had received the most positive information of the determination of the then ruler of France to occupy, with a military force, the territory of Holstein, for the purpose of excluding Great Britain from all her accustomed channels of communication with the Continent; of inducing or compelling the court of Denmark to close the passage of the Sound against the British commerce and navigation; and of availing himself of the aid of the Danish marine for the invasion of Great Britain and of Ireland;

“That the danger was not less imminent than certain. Already the army destined for the invasion of Holstein was assembling on the violated territory of neutral Hamburg—and, Holstein once occupied, the Island of Zealand was at the mercy of France, and the navy of Denmark at her disposal.”

“In this declaration also, no hostile act of any nature is charged against Denmark.

“Again, what was our conduct with respect to the Danish merchant vessels we had detained? By Order in Council of the 10th of September, 1807, all vessels under the Danish flag employed in the trade carried on between the ports of the United Kingdom and ports to which British vessels could not trade, and which were *bonâ fide* the property of British subjects, were released, and all vessels under the Danish flag having licenses to export or import dated before the 2nd of September. By an Order of the 24th of October, 1807, the Danish ships *Porsgrund* and *Amelia* were released, because they had delivered masts at Portsmouth for the dock-yard. By an Order of the 29th of October, 1807.—All Danish ships having brought naval stores were released. The utter absurdity of this distinction, which would lead in many cases to the release of one ship because she delivered hemp at Deptford, and to the retention of another belonging to the same owner, and chartered by the same British merchant, because she delivered hemp at a private wharf two miles higher up, at Wapping, is so apparent, that it can only be accounted for on the supposition, no doubt correct, that the British Government did not expect our relations with Denmark to end in war, and was preparing by degrees for the release of all the embargoed Danish vessels. Indeed I have referred to these relaxations of the embargo, and to the several acts and declarations of the British Government, chiefly to show under what impressions the declarations to British subjects to which I am about to refer were made: for if they were not made under the *bonâ fide* impression that we were not at war, nor likely to be at war with Denmark, they are either inexplicable, or utterly unjustifiable, treacherous, and wicked.

“ ‘ John Hayward being in command of the brig *John and Elizabeth*, of Scarborough, of which he was principal owner, sailed from the Humber on the 10th of September, 1807, and arriving in Copenhagen Roads on the 16th of the same month, went on board of the flag ship of Admiral Lord Gambier, and tendered his vessel as a transport, when, on receiving for answer that transports were not required, he requested to be informed whether he could proceed up and down the Baltic without danger of molestation; to which the Admiral replied, that he could do so with perfect safety, as all matters had been amicably adjusted with Denmark. In consequence of this assurance on the part of Admiral Lord Gambier, he proceeded on his voyage to Stockholm, where he took in a cargo of deals and iron for London, and departed on the 15th of November with an easterly wind, continuing his voyage to the 21st, when, it blowing strong from the westward, he was obliged to take shelter under the Isle of Bornholm, from whence several boats came off under pretence of selling fish and vegetables, as usual in peaceable times, and watching their opportunity, they overpowered the crew and seized the ship. That your petitioner, from the time of his sailing from Stockholm up to the date of the seizure of the vessel, did not meet with any British ship, or receive any information whatever which could lead him to suppose that Great Britain and Denmark were not on the same footing as at the period when he received Lord Gambier’s assurance of safety.

“ ‘ William Harrison, of Kingston-upon-Hull, having been a great sufferer by the embargo laid upon British shipping in Russia, in the year 1801, considered it necessary, previously to his chartering his ship, the *Ann*, to proceed on a voyage from London to Stockholm, in the year 1807, to make application to the Admiralty, requesting to know from his Majesty’s Government, whether it was deemed safe for British vessels to sail to that port. On the 5th of September of that year he received for answer, that it was not only safe to go to Swedish, but also to Russian and Prussian ports. That under these circumstances the *Ann* was chartered, and sailed from the Nore under convoy on the 20th of September following for Stockholm, where she arrived on the 20th of November; that on the 8th of December she passed a ship of war riding at anchor under English colours, which the master mistook for the *Vanguard*, and ran down for Dragoes without suspecting any danger, when the *Ann* was boarded by a Danish cruiser and carried into Copenhagen.’

“ ‘ Sir, I ask with perfect confidence, was this a state of ordinary warfare? Were these circumstances in which a want of caution could fairly be charged against British subjects, who, not judging only from the public acts or declarations of their own Government, but relying on specific assurances—assurances which, from the very nature of the case, must have been widely known, and were doubtless given in many instances,—pursued their accustomed traffic with Denmark, and in that sea of which she held the keys? No. Refuse the petitioners, if you will, you have the power to do so; but do not add mockery to wrong, by telling them that their losses arose from their own indiscretion—from a want of caution which, as subjects of a beligerent power, they were bound to have exercised. In the confidence

which such conduct on the part of this country—such assurances on the part of the executive government and its agents created—many British vessels proceeded to the ports of Denmark and to the higher ports of the Baltic. It seems strong language to say, they were trepanned into a situation where loss was inevitable, but I hardly know how to use another term. In 1807, the passage of the Great Belt—through which, during the remainder of the war, our merchant ships were convoyed, was unknown. It was supposed that the only outlet from the Baltic was by the narrow passage of the Sound, under the guns of Elsinore. To talk of a merchant ship escaping from the Baltic with Denmark hostile—even were the captains aware of her hostility, which they were not, is as absurd as to suppose the escape of an enemy's vessel from the Thames with the Tower and Tilbury Fort to pass. The consequence was, that very many British vessels which left our shores in the autumn, were on their return captured by the Danes. A list has been put into my hands, which states these captures at fifty-seven, amounting in value, probably, to little short of 150,000*l*. It may be asked, why were they not insured?—because—I entreat the House to note the reply—insurance was impossible; by the time that advices of their approaching departure reached this country, the British declaration of war against Denmark had been issued and they could not be insured on any terms. It does, I confess, Sir, appear to me, that the case of the petitioners, as already stated, admits of no satisfactory reply; but one circumstance, bearing materially on the validity of their claim, remains to be noticed. The petitioners had the strongest grounds for believing that in any case they would be safe from capture in the Baltic—that by the Danes especially, the neutrality of that sea would under any provocation be respected.

“By the Danish Declaration of 1781, and the Convention with Sweden of 1794, the Danes bound themselves, in case of reprisals against the trans-Baltic powers, always to respect the neutrality of the Baltic, and adds—‘This was officially communicated at different times to all the belligerent Powers,’ generally known in the Baltic. Denmark believed, and perhaps with reason, that the unparalleled aggression she had sustained, relieved her from the obligation of observing the treaties and conventions on this point which she had herself proposed; but there can be no doubt that her infraction of those treaties would have formed fair ground for insisting, at the negotiation for a general peace, on her indemnifying British subjects, whose vessels she had seized in defiance of her own solemn declarations. Why was not this done? On much slighter ground we had, on a former occasion, obtained compensation for British subjects, for seizures prior to a declaration of war. The case of France may be instanced, from which Power we demanded and obtained, at the peace which followed the American war of independence, an indemnity for British vessels seized prior to the French declaration of war. Sir, the reason of our abstaining from urging such restitution upon Denmark is but too apparent. We could not have demanded of Denmark compensation for British vessels and cargoes seized prior to a declaration of war, without at the same time offering to make reparation for our own incomparably less justifiable confisca-

tion of Danish ships and cargoes. But in this mutual redress of wrongs, we should have been greatly the losers,—the whole amount of British property seized by the Danes did not amount to 500,000*l.* The proceeds of Danish vessels and cargoes alone, paid into the Admiralty Court, amounted to 1,379,000*l.*; whilst the value of the Danish fleet and naval stores would be very much under-rated at as much more. Whilst, therefore, we could at the utmost have claimed from Denmark 500,000*l.*, Denmark might justly have claimed from us, at the very least, 2,500,000*l.*—five times the sum. But if this consideration were allowed—as in prudence, if not in honour, it well might be—to deter us from urging the claims of British subjects for compensation on Denmark in negotiating a treaty of peace with that Power, it affords an unanswerable argument in support of the claim of persons so situated on the good faith and honour of their fellow-citizens.”

These Claimants having for twenty-seven years urged their claim for compensation on the Government of their country in vain, at last, on the 16th of May, 1834, Lord Althorp, then Chancellor of the Exchequer, pledged the faith of Government that justice should no longer be denied them. The Government then, by means of Commissioners, divided the claims into three classes:—

1. Those for book debts.
2. Those for goods seized on shore.
3. Those for ships and cargoes seized.

The following case will illustrate and render intelligible the above classification of the Ministers and their Commissioners.

A British ship owned by D arrived at Copenhagen with a cargo a short time previously to the British hostilities in 1807. One third of it, the property of A, was landed, sold, delivered, but not paid for—it thereby became a *book debt*. A second portion, belonging to B, was landed, but not sold—this became *goods on shore*. The remainder of the cargo still in the ship, being the property of C, is styled *goods afloat*. The Danish Government however made no distinction, but in consequence of the British aggression, ordered the properties of A, B, C, and D indiscriminately to be seized and subsequently confiscated.

In 1835 and 1836 the Chancellor of the Exchequer compensated the losses of A and B, but refused to compensate those of C and D.

In consequence of this a petition was presented from these latter claimants to the House of Commons, by Mr. Clay, on

the 17th of May, 1836 ; and on the 17th of July, in moving that that petition be referred to a Select Committee, Mr. Clay stated the case of the Claimants in an able speech and in considerable detail. The characteristic of this speech as distinguished from other statements of this question is its fulness and precision with regard to facts. On that account it is peculiarly valuable.

In reply, the Chancellor of the Exchequer stated that he resisted the demand of the claimants, " and that not upon his own authority, but that of the crown lawyers, who, when applied to as to how far these injuries were justified by the laws of war and of nations, replied, *that all ships and cargoes, whether in port or on the high seas, might be seized and confiscated, even though the two nations were not actually at war at the moment.*"

In the course of the debate, the Solicitor-General thus spoke :

" As I am one of those upon whose opinion in this case the Chancellor of the Exchequer proceeds, I shall offer a few observations. The distinction which has been already drawn between the two classes of cases in which compensation has been demanded, is perfectly supported by the law of nations. The class now under consideration is such as includes those liabilities to which every man, circumstanced as these claimants were, either knew, or ought to have known, that he was subject. The only question is, whether this seizure was consistent with the law of nations, or in violation of that law ? The moment we come to the former of these conclusions, it follows that however great the hardship on individuals may be, the ships were taken according to the usage of nations, and that this seizure comes within the same class as that which comprises ships taken in the ordinary course of warfare. Though it may be expedient that this law should be changed by the consent of all nations, and that some notice of seizure should be given, rather than that the first intimation of the intention should be conveyed to traders by the act of seizure itself, still it would be inconsistent with all precedents if such a course were adopted without the abrogation of that law, which has hitherto been observed, being made in the

" first instance. In the present instance, there may be a difference in degree, but I hold that there is none in principle. " I regret that the law is so, but until it be changed we must, " in self-defence, act upon it. I must, however, deny that " as regards the present claims, any assurance was given which " would warrant the parties who have suffered, in seeking " compensation; neither can I allow that our taking the " property of another nation *at war with us*" (query, was Denmark at war with us when we took the property in question?) " is a ground for granting compensation. It is " difficult for a minister to protect the public purse from all " the claims which are likely to be made upon it. As to the " argument with respect to the injustice of the war, I fear it " would be urged in too many instances; but I shall always " found any opinion which I may be called upon to give upon " the direct circumstances of the case itself, and not upon " those which may be temporarily connected with it."

We have heard a good deal about judge-made law, but here is a specimen of Solicitor-General-made law of nations, more curious in its way than probably any specimen that could be produced of judge-made law; which when the production of a Mansfield is likely to be a better article than that manufactured by legislators who can offer no clear and solid argument why their constituents should not be robbed by an international code, which is no further promulgated than the pocket or the brain of Mr. Solicitor-General Rolfe. But the Solicitor-General, not content with making law, has also made *facts* to suit it, as may be seen by a comparison of his statement of the case with the true one given above. It is most worthy of remark that not one of the speakers on the opposite side thought of asking the Solicitor-General for his authority,—for a sight of that international code of the meaning of whose enactments he spoke with such confidence and decision; more particularly since, though bound, as Solicitor-General to the crown of England, to be a good English lawyer, he is by no means under the same obligation to be a good international lawyer. The whole proceeding is exceedingly instructive as to the manner in which the business of the nation is performed by the nation's representatives. Would not any lawyer or physician who performed his duty to his clients

or patients in the slovenly way in which members of parliament perform theirs, soon cease to have any clients or patients at all? though the interests committed to these pseudo-representatives are larger than those committed to the lawyer and physician in the proportion of thousands or millions to units. We have an example of the effect of having a representative in Parliament over whom an efficient control is exercised, that is the control arising from paying him when he does his duty, and not paying him, but removing him, and paying somebody else, when he neglects his duty, in the zeal with which the crown-lawyers defend the pocket of the party whom they really represent, namely the Crown or the Government. The merchants and manufacturers of England may rest assured that till they can exercise as efficient a control over their parliamentary representatives as they now do over their lawyers and physicians, they will always be liable to have their pockets picked, not only "in port and on the high seas," but on shore, and perhaps to be knocked on the head into the bargain. They have a right to ask, and they should ask their pseudo-representatives, what business they have to offer themselves to represent a commercial community, when they do not know enough of the law of nations to be able to contradict and confute a man, albeit a "crown-lawyer," who comes forward and asserts that to be law which every man who knows anything about the matter, knows to be *not* law, as we shall now proceed to demonstrate.

We shall not enter at all into the question of the justice or injustice of the war under consideration. With that the claimants have nothing to do; and their advocates have only injured their cause by bringing it forward and thereby affording a point of diversion to their opponents.

What is called the law of nations is composed of those customs or usages observed by the nations called civilized in their relations with one another. It is evident that none of these usages can possibly come under the definition of a law properly so called, viz. a rule set by an independent sovereign power to its subjects. But whether laws in the strict sense or not, as they are appealed to on the present occasion by the Chancellor of the Exchequer and the crown lawyers, our business is at all events to know, as far as may be, what they

really are. This knowledge can be attained with nearly as much precision as a knowledge of the laws of England in their present state, since what Glanville, Littleton, Coke, Blackstone and others have done for the latter, certain writers of reputation have done for the former; that is, they have collected them into a body, and have attempted to explain the principles upon which most or many of them appear to be founded. Of these writers the most celebrated and of highest authority are Grotius, Puffendorf and Vattel. Their opinions we now proceed to lay before the reader on the point in question, which is precisely this, *'whether by the law of nations and the usages of war, ships and cargoes in port and on the high seas may be seized and confiscated while the two nations to which they respectively belong are at peace, or, in other words, not only before a declaration of war between them, but even before the contemplation of such an event, while the sufferers receive no indemnification?'*

Grotius says, that "according to the law of nations, two things are requisite to constitute a solemn or formal war. First, that it be, on both sides, made by the sovereign authority; secondly, that it be accompanied by certain formalities*." Of these formalities, that one which is indispensable is, he says, "a declaration of war, at least on the part of one of the parties†."

Puffendorf on this subject quotes or refers to Grotius.

Vattel says, "We owe this regard to humanity, and especially to the lives and peace of the subjects, to declare to that unjust nation, or its chief, that we are at length going to have recourse to the last remedy, and make use of open force for the purpose of bringing him to reason. This is called *declaring war*‡."

"A declaration of war ought, at the same time that it announces our settled resolution of making war, to set forth the reasons which have induced us to take up arms. *This is at present the constant practice among the powers of Europe*§."

* De Jure Belli et Pacis, lib. i. cap. iii. § 4.

† Ibid. lib. iii. cap. iii. § 6, 7.

‡ Vattel's Law of Nations, b. iii. c. iv. § 51.

§ Ibid. b. iii. c. iv. § 52.

“ Besides the foregoing reasons, it is *necessary* for a nation to publish the declaration of war for the *instruction and direction of her own subjects*, in order to fix the date of the rights which belong to them from the moment of this declaration, and in relation to certain effects which the voluntary law of nations attributes to a war in form*.” Grotius assigns a similar reason for making a declaration of war†.

So important is this formal declaration considered among civilized nations, as a security to property and as a sort of symbol of civilization, that it is very common in a treaty of peace to stipulate that all prizes taken *before* the declaration of war shall be restored. This was done in the treaty made at Aix-la-Chapelle between France and Spain on the one side, and England on the other‡. Also at the peace which followed the American war of independence, an indemnity for British vessels seized prior to the French declaration of war was demanded and obtained. And so in other cases.

We have been thus particular in noting the marks which distinguish a solemn and formal declaration of war and the consequences flowing therefrom, in order to show, not the presence, but the total absence of these marks in the present case; thereby rendering it one of that class of cases which come under that head of the law of nations which treats of the subject of REPRISALS.

The following remarks from Mr. Clay’s speech present a correct view of the relations then subsisting between this country and Denmark, and clearly show this to be a case under the head stated.

“ But any attempt to show a superiority of right, on the part of the book-debt claimants over the present petitioners, to appeal to their country for indemnity, utterly failing, to what does the value of the objection to the claims of the petitioners, stated on the part of the Treasury, really amount? Why precisely to this,—losses, in accordance with the law of nations, the subjects of belligerent powers may expect. The risk of such losses enters into a mercantile calculation of chances. To indemnify parties so suffering, would open the door to claims of which it would be impossible to define the limits, and would consequently create a precedent ‘injurious to the public service.’ Now, Sir, these propositions,

* Vattel, b. iii. c. iv. § 56.

† De Jure Belli et Pacis, lib. iii. cap. iii. § ii.

‡ Vattel, b. iii. chap. iv. § 56.

reasonable when stated in the abstract, are utterly inapplicable to the question before us ; and on their entire inapplicability I am quite willing to rest the case of the petitioners. I deny that we were at war with Denmark. I deny that there was any such ground to expect war as should reasonably have led to precaution on the part of the petitioners. I affirm further, that not only did the public acts and declarations of the British Government lead inevitably to the inference that there would not be war with Denmark, but that it gave direct encouragement and sanction to British subjects to pursue their peaceful intercourse with that country, and to embark in those enterprizes which led to the losses for which they now claim compensation at our hands. Why, Sir, if there be one thing more remarkable than another throughout these transactions, it is the care with which we eschewed the character of belligerents." *Mirror of Parliament*, page 2046.

When one nation makes war upon another in a piratical way, and without any declaration of war, or the immediate contemplation of any, the nation attacked is authorized by the law of nations to make what are called *reprisals*. "Reprisals," says Vattel, "are used between nation and nation, in order to do themselves justice when they cannot otherwise obtain it. If a nation has taken possession of what belongs to another,—if she refuses to pay a debt, to repair an injury, or to give adequate satisfaction for it,—the latter may seize something belonging to the former, and apply it to her own advantage, till she obtains payment of what is due to her, together with interest and damages,—or keep it as a pledge till she has received ample satisfaction*." This was precisely the case with Denmark and Great Britain in 1807. Denmark having suffered from Great Britain a grievous, a most unprovoked and unlooked-for aggression, and having sustained a very great loss of property, took the only means of redress that seemed open to her, and that, as here appears, was justified by the law of nations. She seized whatever property she could lay hold of belonging to Great Britain, and applied it to her own advantage, *till* she should obtain payment of what was due to her from Great Britain. But the time contemplated by that *till* has not yet arrived, and in all probability the "crack of doom" will arrive first.

"But," continues Vattel, "the effects thus seized on are preserved while there is any hope of obtaining satisfaction

* Law of Nations, b. ii. ch. xviii. § 342.

" or justice. As soon as that hope disappears, they are confiscated, and there the reprisals are accomplished*." This is exactly the course pursued by Denmark on the occasion under discussion, except that unfortunately for Denmark the reprisals made by her were nearly a million sterling short. It " is only upon evidently just grounds"—we still quote Vattel, " —or for a well-ascertained and undeniable debt, that the law of nations allows us to make reprisals†." If such grounds ever existed, surely they did so in this case of Denmark. Never were reprisals more strictly conformable to the law of nations, as expounded by Vattel.

We go on to cite his words:—

" We have observed that the wealth of the citizens constitutes a part of the aggregate wealth of a nation; that between state and state, the private property of the members is considered as belonging to the body, and is answerable for the debts of that body: whence it follows, that in reprisals we seize on the property of the subject just as we would on that of the state or sovereign ‡."

Whence also it will immediately be seen to follow that, by the fundamental principles of morality and law, those whose private property has thus been taken as the public property of the state to pay the debts of the state or to satisfy those who have claims on the state, and who have no other way but that of satisfying them, have a clear and decided right to be indemnified by a general contribution for losses occasioned by an act done (as all public acts are presumed to be) for the general benefit. Now with this rational and common-sense view of the question the law of nations coincides to the very letter. We quote the article entire and *verbatim* from Vattel:—

" He who makes reprisals against a nation, on the property of its members indiscriminately, cannot be taxed with seizing the property of an innocent person for the debt of another: FOR IN THIS CASE THE SOVEREIGN IS TO COMPENSATE THOSE OF HIS SUBJECTS ON WHOM THE REPRISALS FALL; IT IS A DEBT OF THE STATE OR NATION, OF WHICH EACH CITIZEN OUGHT ONLY TO PAY HIS QUOTA."§

* Law of Nations, b. ii. ch. xviii. § 342.

† Ibid. § 344.

‡ Ibid. § 343.

§ Ibid. § 345.

Now all this is on the supposition that the state, on whose subjects the reprisals fall, is to indemnify the sufferers by a general contribution, having no funds already specially provided for that purpose. But the particular case of the Danish claimants in question is, if possible, much stronger than this; for a sum of money derived from the Danish merchant ships condemned, was paid into the public treasury, on the express ground, as stated by Mr. Perceval in his place in Parliament, "that there were certain merchants who claimed compensation out of it for losses they had sustained arising out of the manner in which the war had broken out." Indeed with respect to the seizure of the Danish merchant vessels and cargoes before any hostile act was so much as contemplated on the part of the Danish Government, it had no excuse whatever but as an act to secure an indemnity to British subjects for the losses which they might sustain in consequence of our attack on Copenhagen. If it was not this, it was the act, not of the just and far-sighted ruler of a free and civilized community, but of the blind and ferocious chief of a miserable band of robbers, who are cheated by him even of their fair share of the common plunder.

The argument will now stand shortly thus:

The plea furnished to the Chancellor of the Exchequer by the Crown lawyers against these Danish claimants, "that the confiscation of their ships and cargoes was in conformity to the practice and usage of war," is to a certain extent a just one; but only to a certain extent, for seeing that it is distinctly a case of *reprisal* and not of war, the words ought to be not "in conformity to the practice and usages of war," but *in conformity to the law of nations*. But there is another plea also strictly just, viz. that "compensation from their own sovereign to the owners of those confiscated ships and cargoes is commanded by the law of nations." For it is here to be carefully and distinctly noted that the seizure in this case was not an act intended to be an act of war, to be itself a declaration of war, or to be immediately followed by a declaration of war, but that it was by way of reprisals, and the law of nations commands that the state shall compensate its subjects whose property is so seized. It may be proper here to add that the law of compensation for reprisals is

equally applicable whether the seizure is or is not followed by war. (See Vattel, b. ii. ch. xviii. § 342.) Such is the law, and we cordially agree with the Solicitor-General when he says in the speech we have quoted above, "until it be changed, "we must, in self-defence, act upon it." There are, as it seems to us, many imperfections in it. For example, this law regarding reprisals appears to have provided almost solely for the subjects of that state which is the aggressor. In the article we have quoted respecting compensation to those who suffer by reprisals, nothing is said about compensation to those who suffer by the first aggression. But luckily for the British claimants in this instance, the British were the aggressors, and therefore the said claimants are in the situation of those suffering by reprisals, so that the very letter of the law which our rulers delight to walk by (much to their credit) is in their favour. Nevertheless we should still desire to see this part of the law rendered somewhat more complete. In the meantime however we must, with the Solicitor-General, rest content with the law as it is.

In the debate above referred to the Chancellor of the Exchequer showed every disposition to grant the prayer of the petitioners, provided it came within the rule prescribed by the authority of the Crown lawyers. However large the claims might be, "if it came within the rule," said he, "I should be "ready to propose it; and I hope this House would support "me." The Chancellor of the Exchequer is certainly quite right, seeing that he "has a sacred trust confided to him," viz. that of the strings of the public purse, to use every necessary precaution not to suffer himself to be so far imposed upon by ungrounded claims, however energetically and pertinaciously urged, as to give way to anything that may lead to a lavish, and what is worse than a lavish, to a profligate expenditure of the public money. The course he pursued therefore in consulting the legal advisers of the Crown was one pointed out by the dictates of prudence; and having received from the Crown lawyers the opinion which he did receive, the refusal of the right honourable gentleman to grant these claims was what was to be expected, and in fact the only course of proceeding left for him. But at the same time the very same reason which compelled him to refuse this claim will compel him to

grant it, when he learns that the opinion of the most renowned international lawyers of Europe is decidedly in favour of it; and it may be proper here just to observe by-the-by that Lord Stowell was in the habit of quoting Vattel in his decisions, which proves the estimation in which he was held by the highest authorities on the law of nations which this country can furnish.

One other objection urged by the Chancellor of the Exchequer it may also be proper to notice; it is this. He says: "I have a right to contend also that I would have included the class of claimants for whom he is now the advocate, did I not believe that if the principle of the present motion were to be admitted, it would form a precedent, new in itself, liable to extension, and leading to the worst possible consequences, not only in a commercial point of view, but also as regards our diplomatic relations with other countries."

To this the answer is, that though in one sense, viz. in the hardship of the circumstances, the case is altogether without a precedent, and therefore whatever is done in regard to it is at least highly unlikely to be capable of being drawn into a precedent for the future, yet cases similar, except in the smaller degree of their hardship, do exist, which may furnish a precedent to those who walk by precedent for granting this claim. To take one example: In 1795 the Government of Spain laid an embargo, prior to any declaration of war, on British ships and cargoes in her ports, and subsequently condemned them. The sufferers were reimbursed out of the proceeds of the Spanish frigates captured by this country prior to our declaration of war against Spain in 1805. The claimants in that case received 269,789*l*. So that the argument founded on the danger of establishing the case into a dangerous precedent goes for nothing, since a precedent of the case *does* already exist. But that is of secondary importance after we have shown the law of nations on the point to be what it is; and we may well add in the words of Mr. Clay, that this is "a case in which we should not need a precedent on the one hand, nor fear to create one on the other."

We subjoin here a summary of the leading features of the case from the Petition of the Claimants, printed with the votes, 3^o die Maii, 1837.

" First,—That the attack and hostile seizure of Danish ships of war and naval stores, and the embargo on Danish merchant vessels in the ports and seas of Great Britain, in retaliation of which the seizures of British property were made by Denmark, were acts done, not in the prosecution of ordinary hostilities, but under circumstances of an anomalous and unprecedented kind, to which none of the rules by which the practice of modern warfare is regulated can possibly be applied.

" That it is not therefore, as seems to be imagined by His Majesty's Government, a mere question whether the war was, in its origin, just or unjust, (the mooted of which, by a subject claiming compensation from the State, might lead to inconvenient results), but a singular and peculiar case, from which no precedent can be drawn.

" Second. That the suffering parties had no notice of the intended hostilities, and no opportunity therefore of protecting themselves against the consequences, inasmuch as at the time of the hostile act which led to the retaliatory measure of the Danish Government, there was no apparent ground of quarrel between Great Britain and Denmark, there had been no allegation of grievance, no application for redress, none of those indications, in short, which usually precede the breaking out of hostilities and put the subjects of the respective nations on their guard.

" That, on the contrary, the act itself was a sudden aggression on a friendly and unoffending power, and as unexpected, therefore, as it was unjust.

" That if a State for purposes of policy thinks fit to depart from established usages, and thereby entails on individuals among its own subjects losses which could not have been foreseen or guarded against, it is its bounden duty to make good the losses so occasioned.

" Third. That the case of some of your Petitioners is even stronger than this, inasmuch as their vessels when seized were navigating the Baltic, or lying in the ports of Denmark, in reliance upon an assurance expressly given by the British Government, that they might proceed with safety to their destination.

" Fourth. That the British Government derived from the immediate consequence of its own aggression, funds far more than sufficient to indemnify its own subjects for their losses, a portion of which funds ought, in common justice, to have been applied to that purpose; for that Danish vessels and property were seized by the British Government in anticipation of hostilities, and before any offensive act committed by Denmark, and were subsequently confiscated as *Droits* of the Admiralty, producing a sum of no less than one million three hundred and seventy-nine thousand pounds.

" That the seizure of vessels and cargoes before declaration of hostilities, and then subsequent confiscation, though in conformity to all the usages of war, or rather to precedents set by Great Britain herself, is under any circumstances a practice unworthy of a powerful and enlightened nation, and has been made a subject of general reprobation.

" That, in the case of Denmark, the advantage taken by the British

Government, of its own wrongful act to confiscate and appropriate the property of the State, which it had forced into hostilities, has been justly regarded as a reproach upon the national honour.

" That the only ground upon which such a proceeding could be excused, and the character of the nation in some degree redeemed, would be that the proceeds of the confiscation had been applied to the indemnifying of its own subjects for the loss sustained by the hostile acts of Denmark.

" Fifth. That such indeed seems to have been the view of the Government itself, inasmuch as this sum of one million four hundred thousand pounds was not suffered to be dealt with as Droits of the Crown, but was actually paid over to the account of the public service, on the ground, as stated by Mr. Perceval in his place in Parliament, ' that there were certain merchants who claimed compensation out of it for the losses they had sustained arising from the manner in which the war had broken out,' and that the public cannot, therefore, in justice or in honour retain this sum until full compensation has been made to those who suffered by the acts of the Government.

" Sixth. That by Treaties and Conventions subsisting at the time of the attack, a period of six months was to be allowed to the subjects of the respective belligerents for removing their effects out of the enemy's territory, and by the same Treaties the neutrality of the Baltic was expressly guaranteed; and that, on the occasion in question, both these stipulations were violated on the one part and on the other.

" That the right of individual subjects to indemnity for losses sustained in violation of a Treaty has been more than once distinctly recognised, and that a direct precedent exists in the liquidation of the claims of British subjects for ships and cargoes detained by the Spaniards in one thousand seven hundred and ninety-five, out of the proceeds of captured Spanish vessels, on the ground of a similar stipulation in the Treaty with that country of one thousand six hundred and sixty-seven.

" Lastly, and to sum all, that it would be an ineffaceable stain on the Government of Great Britain, if, after having, by an unlawful and unprecedented act of aggression, entailed on individuals among its subjects injury and even ruin, it should leave the sufferers to bear their losses, and appropriate to itself the spoils.

" Your Petitioners therefore humbly pray, That your honourable House will take their case into consideration, and afford such relief in the premises as your Petitioners may appear to your House to be intitled to, or that your honourable House will order the case of your Petitioners to be investigated by a Committee of your honourable House, and reported upon by such Committee to your honourable House, or that you will take such other measures thereon, as to your honourable House shall seem meet."

Before we conclude, we are tempted to say a few words on the conduct of Mr. Goulburn in this debate. Mr. Goulburn, not content with recording his vote against the claimants, attempted to hold up these unfortunate individuals, the victims

of a profligate Government, to obloquy and ridicule. He represented them as needlessly consuming the time of the House with these "ANTIQUATED CLAIMS" of theirs; as endeavouring to move the public compassion by tales of suffering and distress which were no whit different from those that might be told by any man who had been unfortunate, either through the ordinary course of events, or by his own negligence, imprudence, or incapacity. He said, unmoved by the weight of evidence of which we have given part in this article, that "in the instance of the present claim, there was a plain indication that something like a declaration of war was on foot," and further, that "the ships were seized in conformity with the usages obtaining among civilized nations, who, *after certain warnings, are at liberty to seize upon ships and cargoes under the circumstances in which these were seized upon.*" Where was the warning in this case?

Now, this person, when Chancellor of the Exchequer, coolly informed these petitioners and the House of Commons, about twenty years after the event, that he had not had sufficient time to make himself acquainted with the merits of the case. We will not indulge in any comment whatever on this conduct of Mr. Goulburn; not even on the propriety and good taste of the charge of the time of the House being taken up with these "antiquated claims" coming from him; but we propose that a portion of the interest due upon these claims, a pretty considerable sum, should be defrayed in the form of a fine by Mr. Goulburn, as, by his own admission, a portion of that interest was accumulated through his dereliction of his duty as Chancellor of the Exchequer. This proposition, we think, must appear to every just and reasonable man as rather a mild mode of punishing a delinquent official functionary, while, at the same time, it will sufficiently subserve the ends of justice, by making him a negative example to his successors for ever.

ARTICLE IX.

Voyage du Maréchal Duc de Raguse en Hongrie, en Transilvaine, dans la Russie Méridionale, en Crimée, sur les bords de la mer d'Azoff, à Constantinople, dans quelques parties de l'Asie Mineure, en Syrie, en Palestine et en Egypte.
 Paris: chez L'Advocat, 1837. Première Livraison,
 Tom. I. et II.

THE attention of the public had already been much excited by the announcement, some time ago, of these travels,—no doubt in the anticipation of their containing a development of the opinion of so well-known a personage as Marshal Marmont on the internal state of the Ottoman empire, on the nature and progress of the reforms simultaneously undertaken by the Sultan Mahmoud and Mehemet Ali of Egypt, and finally on the present position of the question of the Ottoman empire as connected with the general policy of Europe.

We do not deny having shared that curiosity, although our motives probably differed entirely from those of the great majority of readers.

In following at the time in the newspapers the itinerary of the Duke of Ragusa, we had remarked that the Marshal had travelled through the dominions of the Sultan Mahmoud even more rapidly than most tourists. Having arrived at Pera from the Crimea, he spent exactly a fortnight there, in that part of the town inhabited by the Franks, with the view of making excursions into the Ottoman capital and its neighbourhood. Thence, after an excursion by water to Brussa, where he spent a day, and ascended the Olympus of Bithynia, he proceeded to the Dardanelles, likewise by water, and spent a couple of days there and in the environs of ancient Troy.

Continuing his route from the Dardanelles, still by sea, to Smyrna, he remained six days in that town, made a rapid excursion to the ruins of Ephesus, and then definitively quitted the continental territories under the immediate dominion of Mahmoud. However acute the powers of observation of the Duke of Ragusa may be, it is evident that so rapid a passage through a country, of the language of which he was in com-

plete ignorance, and which in all respects is so different from those of Western Europe, could not enable the distinguished traveller to form any mature or competent personal opinion of the social and political state of an empire involved in a crisis of re-organization, as well as of the future and probable developments of that re-organization. Whatever might be the opinion he pronounced, it could only be the echo of what he had heard from one or the other party; and this opinion could not, at all events, be in seriousness compared to that of his countrymen, Generals Andréossi and Guilleminot, whose reputation, either as scientific officers or political observers, is scarcely inferior to that of the former aide-de-camp and favourite of Napoleon; and who had the advantage over the latter of having spent a series of years at Constantinople, enjoyed as ambassadors the confidence of the Porte, and possessed numerous sources of information, derived from the agents under their orders, dispersed over the whole extent of the Ottoman empire.

But Marshal Marmont, before he proceeded to Constantinople, had passed some time in the south of Russia, in company and intimacy with the generals Counts Woronzoff and Witt, as well as with other Russian civil and military chiefs employed on the line bordering on Turkey. Those persons knew that the Marshal was on his way to Constantinople, for they had placed at his disposal, for that purpose expressly, a steam boat belonging to the imperial navy. Who then will doubt that they had also endeavoured to inspire him with views on the affairs of Turkey favourable to Russian policy? Who will not believe that Mehemet Ali, in a similar manner, made it his study to cajole the celebrated traveller into his policy? And who will not believe that the Duke of Ragusa, having decided upon publishing a description of his journey shortly after its termination, was anxious, were it only from mere motives of gratitude, to avoid any collision with the favourite views of Russia and of Mehemet Ali; even had his position, as a chief of the partisans of the elder branch of the Bourbons, not peremptorily imposed upon him the duty of adopting, on a question that the cabinet of St. Petersburg has so much at heart, the official views of that court, upon which Marshal Marmont's party rest all their hopes of salvation?

We were consequently prepared to see the illustrious Marshal treat the question of the Ottoman empire in a Russian point of view ; and as we always like to be acquainted with the sentiments of the party to which we do not belong, we really awaited with impatience the appearance of the work of the distinguished traveller. Our expectations have not only not been disappointed, but we are bound in justice to the Marshal to acknowledge, that he has executed his task with such zeal, such remarkable ability and tact, as will at once secure a favourable reception for his book at St. Petersburg.

We therefore hope to confer a pleasure on our readers by summing up the arguments of the Duke of Ragusa, upon what he calls the question of the Ottoman empire,—retaining, as far as possible, and almost without exception in this abridgement, his own expressions.

“The pretended reforms introduced by Mahmoud have rather done harm than good to the empire. A Turkish population of three millions and a half, of persons of both sexes and of all ages,* is on the one hand intercalated and mixed up with a Christian population more numerous than itself, and entertaining hostile sentiments to it ; and on the other, it rules over an Arabian population, which at the present day has the instinct of its superiority. To keep these contending populations in check, the Turks present only a feeble net-work without consistency or force. The internal disorders to which the first unexpected event will give rise will occasion the destruction of a state, whose real existence consists only in a single town. Either the authority of Mehemet Ali will consolidate itself, (and it is not favourable to the Sultan,) or it will fall to the ground, and the sources of riches and power that show themselves at the present day will dry up and be lost for him. Thus in no manner can the provinces of the South be available to the resuscitation of the Ottoman empire, and its European provinces do not promise it any greater support. The Ottoman empire is therefore in reality reduced to Constantinople and to the provinces which immediately surround it, where the Turkish population is the most agglomerated. This affirmed, and the truth of the assertion proved, one may be allowed to ask whether such a state possesses elements of independence, and if it can be considered as a power ? The answer will probably be in the negative. Everything for the Sultan, therefore, depends upon the choice of the master whom he will give to himself. On the one side is Russia ; on the other are the maritime powers, to whom Austria may be added, and this may be called the alliance of Western Europe. Their interests are opposed, and appear irreconcilable. In order to

* A computation which, we believe, to be singularly below the reality, if by Turkish population are meant all the Mahomedan inhabitants established within the territory of the Sultan Mahmoud and speaking Turkish.

throw some light upon the question, it is necessary to examine whose guardianship will at the same time be the most efficacious and the least irksome to the Porte. Russia naturally commands at Constantinople, and has it in her power, when circumstances render it necessary, to lead thither rapidly and without impediment an effective force. Russia has at Sebastopol a fleet of twelve ships of the line, perfectly equipped and ready to set sail. One division of troops is cantoned within reach : in two days this division could be embarked, and three days afterwards be disembarked at Constantinople ; whilst a *corps d'armée*, which is constantly quartered in Southern Russia, and which is 60,000 men strong, would advance on the banks of the Danube, cross that river, and without difficulty and by fixed marches, effect the passage of the Balkan, and station itself at Adrianople. The alliance could only arrive much later ; the concurrence of the Sultan would be required. An obstinate war would then immediately break out, of which Turkey would be the theatre, and finally the victim, whatever its issue might be. In order to preserve an *appearance of power, and a species of municipal liberty, the only greatness and power* to which the Sultan can at the present day reasonably pretend, all that remains for him to do is to unite Turkey intimately with Russia, by placing himself *bond fide* and sincerely under her protection, and always serving her policy. The Emperor of Russia is too prudent not to prefer such a protection to a premature possession of Constantinople. It would procure to him the same advantages, without subjecting him to the inconveniences that would be the result of an occupation. The Emperor would not alarm Europe by his ambition ; he maintains that which exists ; he is a faithful ally, and nevertheless he attains his object. On the contrary, the day on which the passage of the Bosphorus and of the Dardanelles is disputed to him, he will seize it and possess it in his own name ; and when he possesses it and wishes to keep it, nobody will be able to force him to abandon it."

Here follows a long and scientific military exposition, to prove that Russia, once established at Constantinople and the Dardanelles, could maintain herself there against the united efforts of England, Austria and France.

"There is also an important consideration to be adduced in favour of Russia : in order that the fleets and armies of the alliance may act simultaneously, it is necessary that there should be a perfect concert between the three powers forming it ; whereas, with respect to Russia, which furnishes the armies and the squadrons, it is only the will of a single man that is required ; and then a second consideration, not less important, is, that priority gives an immense advantage in this military question, and that possession pretty nearly decides it. Everything is thus in favour of Russia ; she has for her the policy of the Sultan, vicinity, winds and currents, all resulting from the nature of circumstances ; and her competitors, deprived of these advantages, are on the contrary obliged to combat them. Europe must therefore, from the present moment, accustom itself to the

idea that Russia ought to possess a decided influence at Constantinople, not to be counterbalanced; that she could occupy that town without impediment if her interests required it; and that, if this should ever take place, it would be prudent not to attempt to combat her on ground where natural circumstances give her such great advantages; and that it will then be necessary to hit upon some political combination to reconcile jarring interests. Of all the dangers that menace the power of the Sultan, the most imminent is a revolution brought on by the discontent of the people and of the new militia. It is this he feels, and which renders the succours derived from the Crimea, and always to be depended upon, so valuable to him; and it may be conceived that, fully appreciating their utility, he will do nothing to lessen their efficacy. A circumstance which may precipitate the fall of the Turkish empire, *of that empire of a town*, is the imprudent concert and ill-timed arrival of pretended friends, who, under the pretext of coming to its assistance and of securing its independence, (now become impossible,) will draw it into a war, will infallibly bring on those events that are apprehended, and will hasten the catastrophe that it is desired to prevent, but which will be unavoidable."

In the spirit of the policy which the Duke of Ragusa recommends to the Porte, he traces for it a system of defence for the Dardanelles, evidently planned against an expedition coming from the Mediterranean, which we willingly acknowledge bears the stamp of the military knowledge of the celebrated traveller.

Even allowing for the moment that all the suppositions of the Marshal are well founded, although the greater part of them appear to us to afford very good ground for dispute,—and rejecting only the idea that the Sultan Mahmoud could ever so far forget the Ottoman blood that flows in his veins as to call in, with a view to quell the discontents of his people and of his new soldiers, assistance from Sebastopol, (which at all events would arrive too late, as experience has proved that revolutions at Constantinople are always brought to an issue in a couple of days at the latest,)—we are nevertheless of opinion that there still exists a very easy method of propping up what the Marshal, in a very picturesque style, designates as *that empire of a town*, by at once relieving the Sultan from a disagreeable protection, the Emperor of the Russians from the danger of a *premature occupation of Constantinople*, and European diplomacy from the difficult task of finding new combinations to reconcile the possession of Constantinople and the Dardanelles by the Russians with the interests and the

equilibrium of Europe. This method is so simple, and follows so much as the necessary consequence of the premises urged by the Marshal himself, that in reading his book we always expected to see it, however involuntarily, escape from his pen. Deceived in this expectation we will explain it unreservedly; and as to the judgement that should be formed of it, we will appeal if necessary to the knowledge of the Marshal himself.

We affirm then that Constantinople ought to be fortified, and rendered inaccessible on the land side to the Russians; because, according to the avowal of the Duke of Ragusa himself, the maritime powers would be unable to make any decisive attempt upon it. We shall subsequently examine whether there are easy and secure means of arriving at this result, and will for the present assume that it has been attained. It is clear from that moment that all protection of the Emperor of Russia over the Sultan immediately ceases, together with the danger that threatened the capital of the latter, which, as we perfectly agree with Marshal Marmont, ought to be considered as the real heart of the Ottoman empire. Constantinople once secured against Russian arms, the Porte—should Russia attempt to exercise any act of sovereignty over her,—will only have to close the Bosphorus, and to keep it closed until Russia retracts. The only course then left to Russia is to advance an army into Roumelia, and to make a simultaneous attack on Turkey in Asia. She will perhaps be able to cross the Balkan, and establish herself even at Adrianople; whilst the Porte under these circumstances may, without apprehension for her capital, allow the Russians to wage war as long as they please. Experience has proved that the effect of the climate alone on the right bank of the Lower Danube, and in the interior of Roumelia, is regularly to reduce by half, in the course of one campaign, the whole Russian army engaged in those operations. Moreover the expenses of such a campaign for the Russian treasury are enormous. The same rule applies, and perhaps in a still greater degree, to any expedition of the Russians in Turkey in Asia. The Porte, which in fact draws but few resources from the country comprised between Adrianople and the Danube on one side, and between the Euphrates and the Russian frontier

on the other, has only to remain a tranquil spectator of the exhaustion of the resources of Russia in men and money, in her attempts to subjugate those countries, whilst the continued closure of the Bosphorus destroys the commerce of the south of Russia. The Divan is not unaware that the interests of Austria and of the whole of Europe are opposed to the permanent establishment of Russia on the right bank of the Danube, as well as that the interests of Great Britain would not admit of the occupation by Russia of the commercial road leading from Persia and debouching at Trebisonde. It also knows very well, that Russia, exhausted by two or three campaigns in Bulgaria, in Roumelia and in Asia, will not, for any length of time, be able to repulse the demonstrations of Great Britain and Austria, and their allies, but will finally, by some means or other, resume her former frontiers.

The treaties of peace of Kutchuk Kainardgy and of Adrianople, which have placed the Porte at the feet of Russia, and are the real cause of her present weakness, were only wrung from the Turks at a moment of panic, and through fears for their capital, of the great importance of which they were fully sensible. Had they, free from apprehensions on its account, instead of submitting to the conditions of Marshals Romanzoff and Diebitsch, at Kainardgy and at Adrianople, simply continued the war, Romanzoff and Diebitsch would have both been obliged, as every body knows, to retreat in a few weeks to the Danube; and in 1829, as in 1774, the necessity of preparing for a fresh campaign would have caused Russia no small degree of embarrassment. Moreover, Constantinople once rendered inaccessible to the Russians, the hopes of the Turkish Rajas, of witnessing the fall of the Empire of the Crescent in Europe, would vanish. This would exercise a powerful influence over the Rajas, the most useful allies of the Russians against the Turks, and render them more circumspect in declaring themselves against the Porte. The Porte has already lost *de facto* those of its external provinces in which the Raja population predominates. But beyond the Danube and the Timock the Raja population is intercalated amongst a Mahomedan population, equal in number and politically far superior to it, from the exercise of a long domination and the habit of bearing arms. This part of the Raja

population would hesitate to rise in favour of an army of invasion, as long as it foresaw that the Porte would resume its authority at the peace, and Russia not have the power of stipulating for or ensuring by her supremacy the observance of an amnesty for them.

It may therefore be presumed that Russia, having once ascertained that Constantinople is inaccessible to her arms, and that the Porte is consequently relieved from the danger of a surprize, and the influence of those panics which have wrung from it the principal concessions it has hitherto been forced to make to the court of St. Petersburg, will become extremely circumspect in waging against the Porte a war that would hold out the prospect of few advantages, but on the contrary of serious embarrassments. Thus the diplomatic relations between St. Petersburg and Constantinople would be by degrees re-established on a proper footing of real equality and equilibrium. The Porte could then pursue with more calm and security the work of reform, which, in our opinion, affords better chances of success, and promises more favourable results, than it suits Marshal Marmont and the policy of Russia to foresee. Thus also Western Europe, free from the apprehension that the occupation of Constantinople and the Dardanelles would enable Russia to guard her new eastern frontiers with only a small force, and turn all her military and political activity (hitherto principally absorbed by her views in the East) towards Hungary, and the occupation of that other key of her house, the Straits of the Sound, would no longer have occasion to take alarm when Russia thinks proper to move her fleet in the Black Sea, or her army on the Dneister. The serious complication of the Oriental question would thus in a great measure disappear from European politics.

Great and important as this result would be for the interests of the policy of Great Britain, and for those of European equilibrium, it still remains for us to prove that the condition upon which it depends, viz. the rendering of Constantinople inaccessible to Russian arms, is by no means difficult to fulfil.

Constantinople, in a military point of view, is situated as advantageously as any other capital or great town in the world. By shutting the Straits of the Bosphorus, the master

of Constantinople, who is supposed also to be in possession of the Dardanelles, has the Sea of Marmora as much at his disposal as a closed lake. Moreover Constantinople, which is at a sufficient distance from the coast of Asia to prevent any bombardment from Scutari becoming very dangerous, is nevertheless sufficiently within reach of that coast to prevent any hostile naval force that might have penetrated into the Sea of Marmora from establishing itself permanently between Constantinople and Scutari, and from succeeding in cutting off the communications between those two points. Thus, in order completely to surround Constantinople, the hostile party must at the same time be master—

First, of the approaches to Constantinople on the European side ;

Secondly, he must occupy the opposite coast of Asia ;

Thirdly, he must hold the Dardanelles ;

Fourthly, his fleet must have the dominion of the Sea of Marmora.

We will not enter here into the details of the obstacles which the execution of these various operations would present, but will confine ourselves to the remark that it was this very advantageous military position of Constantinople which, with the assistance of artificial fortifications, secured to the Roman empire in the East a duration of nearly one thousand years after the fall of the Western empire. We refer our readers to the details which Von Hammer has reported with care and accuracy worthy of a German *savant*, in his work "Constantinople and the Bosphorus," (Vol. I. page 81-100,) on the military history of the town of Constantinople down to the moment of its taking by Mahomet II. They will perceive from his book, that after the Persians under Chosroes Parwis had been foiled in the year 616, in their attacks upon Constantinople, by the means of defence with which nature and art had surrounded it, that capital stood, until its fall in 1453, one siege by the Avarej, and seven sieges (one of which lasted seven years) by the Arabians at the commencement of their career of conquest, immediately after the death of Mahomet ; (and it was the military strength alone of Constantinople that defeated the attempts of those formidable conquerors to inundate the eastern frontier of Europe, into which

they subsequently found their way by Gibraltar and Spain;) two sieges by the Bulgarians; one by the Sclavonians; one by the Crusaders and Venetians allied; and three by the Ottomans. All these sieges failed, except that of the Crusaders and Venetians, who entered the capital of the Byzantine empire by the side of the sea; and the third by the Ottomans under Mahomed II., who at last penetrated into it after a siege of seven weeks, after they had already reduced the Grecian empire, eighty years previously, to the precincts of Constantinople; and when there were literally not sufficient combatants to man the ramparts of Constantinople, battered simultaneously by sea and land. It was then that Italy, Hungary and Poland, which through a very culpable negligence had permitted the fall of the bulwark of eastern Europe, were exposed to serious danger from the flow of Ottoman conquest, and that the Grecian empire perished. Having seen its European military lines of the Danube and Hæmus, and its Asiatic line of the Taurus, successively fall into the hands of its assailants, it had still subsisted during full six hundred years, solely in consequence of the admirable position and the military strength of its capital, which defended itself, as may be said, by its own means, for its possessors had become a degenerate race in military matters.

It is true, that what remains of the ancient fortifications of Constantinople, which had so great an influence on the fate of that capital, the possession of which has always decided that of Thrace and of Asia Minor, would at most suffice to secure it at the present day against a surprize, if the improvement of artillery and in the art of sieges is taken into consideration; moreover those ancient fortifications do not protect the suburbs situated to the north of the port, as well as the principal naval and military establishments of the Ottoman empire comprised in those suburbs. But the unanimous result of careful investigations, undertaken by numerous able military men of all nations, is, that there exists in advance of the ancient enclosure of the town of Constantinople, properly so called, and of the suburbs and military establishments to the north of the port, a line extremely strong on account of the nature of the ground, and which, if fortified, would not only prevent all access by an enemy coming from

the land side, but would completely secure the town of Constantinople and all its suburbs to the north of the port, as well as all its military and naval establishments, even from the effects of a bombardment. This is not the place to enter into a detailed and military discussion of this subject. We will confine ourselves to the assurance that there exist, in the archives of the powers interested in the maintenance of the Porte, memoirs of the most important nature relative to it. General Yuchereau de St. Denys, of the French corps of engineers, and who for many years was at the head of the corps of Ottoman engineers, positively asserts in his interesting review of the "Revolutions of Constantinople," that it would be easy to render Constantinople and its suburbs *one of the best fortified places in the world*, and even traces the outlines of the projected plan. Still more detailed and curious information upon this matter is to be found in the "Military Journey in the Ottoman Empire," by Felix Beaujour, who appears to have derived his information, and particularly that which relates to the point in question, from the military observations of the distinguished officers of engineers whom the French Government sent at different periods to Turkey, and at a time when the preservation of the Porte was one of the chief objects of its policy. The remarks contained in the work of M. Felix Beaujour are, as it were, rendered palpable by the map that accompanies the work of the late General Andréossi on Constantinople, but more particularly by the pretty little plan of the environs of Constantinople published by the Russian staff in 1828, and taken by the orders of the Russians during the preceding summer, undoubtedly in the hopes that their invasion of the following year, already projected, would lead them to that capital. Moreover a correspondent of the Morning Chronicle, apparently well informed, has told the public that the British Government had sent Captain Stevens, of the Royal Artillery, to Constantinople in the summer of 1836, charged with the military commission of reconnoitring the environs of that capital; that this officer had devoted considerable time to this object, and the result of his investigations had been, "that, with comparatively trifling works, Constantinople and its suburbs on the other side of the port might be secured, not only against an attack, but also

“against a bombardment.” The correspondent added, that Captain Stevens had especially allowed in his calculations for the means of ensuring to Constantinople the necessary supply of water; and had been convinced that the Bosphorus could be completely closed by a single but a strong fort, to be fortified in such manner on the land side as to render it capable of making a long defence, and to require trenches to be opened before it.

To these various heads of information we will add, that an examination of the above-mentioned topographical materials will afford proof that a line of defence, comprising Constantinople and its suburbs on the land side, and securing it against a bombardment, would have an extent of 12,000 yards.

It would be for engineers to decide whether it were advisable to defend its naturally strong position by means of a contiguous rampart, as at Genoa; or by detached forts, of which nature has as it were complaisantly fixed the position; or finally, by combining these two systems, so as to complete in the first instance the external forts, and then to add at leisure the internal and contiguous rampart.

At all events, as the Turk is notoriously the best soldier for the defence of fortresses and as the Russian is the worst for their attack, the object of rendering this line of defence impenetrable to the Russians would be already completely attained by works which, in comparison with fortified places in central and western Europe, might be considered exceedingly feeble. Let us only reflect what were the ramparts of Roustchouk, of Brahamlow and of Varna, that cost the Russians so much blood and money. It is to be borne in mind that the Turks, in their defence of Constantinople against a Russian army advancing from the Danube, would always have the sea open to them, and their communications with Asia secured; for until the Russian army could have penetrated through a country chiefly peopled by Mahomedans into the Delta of Bithynia, and established itself in front of Scutari, much time must elapse; and the same would be the case before the fleet of Sebastopol could land on the coast of Asia, and within reach of Constantinople, an expedition capable of maintaining itself and gaining ground against the forces immediately despatched against it from Constantinople.

Again it is to be considered that the large military establishments of the Ottoman empire, and the garrisons of the corps of Ottoman artillery and engineers, are concentrated at Constantinople, where the Mahomedan population furnishes 100,000 men capable of bearing arms, and who behind ramparts are not inferior to the Russian soldier, and that consequently the superiority in men and materials of all kinds would be on the side of the defence. If now on the other hand we maturely weigh the losses which the Russian army would experience from the climate of Roumelia, and the corps detached from it in order to keep up its communications before it could venture into the Delta of Thrace; and if we reflect that in this Delta of Thrace the Russian army would have no other resources than those it brought with it; that having arrived before Constantinople, it could not communicate with its fleet of the Black Sea, otherwise than across the chain of the Strandgea, that lines the coast of the Black Sea, and over which there is scarcely a road practicable to carriages; that nevertheless it is from this fleet it must draw all its necessaries, and even the forage for its horses, as the uncultivated flats where it would be obliged to encamp, as well as the country at a day's march in the rear, afford in the summer, (the only months during which a foreign army could maintain itself in that position,) neither shade nor grass for the nourishment of animals; whilst this fleet of the Black Sea, upon whose continued presence depends the subsistence even of the besieging army, would be obliged to remain constantly under sail on that part of the coast between Karabournon and the mouth of the Bosphorus, which is with reason considered the most dangerous on the whole littoral of the Black Sea:—if (we say) all the circumstances in which the assailant is thus placed are duly examined, it will easily be admitted that Constantinople properly fortified becomes as inaccessible to the Russians as it formerly proved to be to the Arabians. The chances therefore of the Russians succeeding in causing a *Te Deum* to be sung in St. Sophia would only commence after they had completely made themselves masters of both Roumelia and Asia Minor as far as the basis of the two Deltas of Thrace and of Bithynia, and after having established there long beforehand the immense depôts requisite to enable them

to commence a regular siege of Constantinople in the spring as soon as the ground is dry. And even on this hypothesis, the maritime powers would be able, as long as their fleets had a free passage into the Dardanelles, to dispute with the Russian eagle during many years the possession of Constantinople. This key of Turkey in Europe and of Asia Minor will consequently only fall if the Ottomans themselves, and the powers interested in excluding the Russians from the possession of Constantinople and the Dardanelles, continue to abandon themselves to a blind security, and to neglect the easy means which they hold in their hands of putting Stamboul into a state of defence.

Though we have hitherto spoken of the fortification of Constantinople, we have always meant to comprehend in it that of the Dardanelles. The military observations reported by Felix Beaujour, in his work above alluded to, have proved that it would be easy to divide the narrow slip of land forming the European coast of the Straits of the Dardanelles by a line of intrenchments near Kardikoi. This line of defence resting on the two seas, having secure and speedy maritime communications with Asia and Constantinople, and aided by the fleet, might also be considered as inaccessible to the Russians, who would be obliged to draw from the Danube and the Black Sea the artillery necessary for attacking it.

But to this the objection may be made, that Russia, seeing the preparations of the Turks for the effectual fortification of Constantinople and the Dardanelles, will take care not to allow them to complete their works, but will hasten to throw themselves on the prey they have so long coveted before it escapes them. To incite therefore the Porte to fortify Constantinople would be to accelerate its fall.

To this we answer, that in order to secure Constantinople against a Russian attack and bombardment only four forts would be required, behind and between which some field-redoubts ought to be constructed. The contiguous rampart which would then be erected, with a view to guard against every chance of war, might be executed at a later period, and in proportion as the resources of the Porte should admit of it. Now these four forts, together with the intrenchment of the line of the Dardanelles, might with facility be completed in

two years: and this space of time, now that Silistria is again under the dominion of the Turks, and that Varna and Shumla are in a state of defence, is absolutely necessary to the Russians to enable them to lead an army before Constantinople, on the supposition that all the events of the war were favourable to them, and that all the European powers would, as in 1828 and 1829, allow them to carry on their operations undisturbed. But it may fairly be presumed, that if the Emperor of Russia really meant to dispute the right of the Sultan to fortify his capital, Great Britain as well as France and Austria would openly oppose such an act of sovereignty. Now if six of our ships of the line were to enter the Black Sea, they would suffice to defeat all the Russian plans of invasion beyond the Danube and the Araxes. At St. Petersburg they are completely convinced of this truth, although they do not acknowledge it; and this is the reason why Russia halted when the treaty of Hunkiar Iskelessi excited too much attention in this country, and why she evacuated Silistria. As long as the vigilance of Great Britain is not absorbed by other wars, it is not the open force of Russia—it is only her intrigues,—which can endanger the security of Constantinople. The only case we except is that in which an internal commotion at Constantinople might open the Bosphorus to the Russians, at that period of the year when the navigation of the Black Sea is practicable, and previous to the fortification of the city. But it is to guard against even the possibility of this double contingency—a temporary want of vigilance on the part of Great Britain, and an internal revolution in the Ottoman capital—that we insist upon its fortification; *for Constantinople and the Dardanelles must never become Russian.*

The British people are now acquainted with the sure means of consolidating the Ottoman power at Constantinople, in all probability, for a series of ages. If the Government neglects this truly national object, towards which all its efforts ought to tend, it must learn the responsibility it incurs. In the same manner would that administration have a permanent right to the national gratitude, which could say to the country, “From this moment, by our exertions and influence at Constantinople, that capital has ceased to be threatened by the Russians, and a long series of faults that had permitted them to

“ advance too far in that direction has at last been repaired.” Besides, the excuse that the Turks refused to listen to the amicable counsels offered to them on the subject could not be considered as admissible. Would the Sultan refuse to secure the Holy City, the tombs of his ancestors and of so many true believers, from the profanation of the infidels, and, as it were, to enable his empire to take fresh root? Does not Constantinople, amongst the titles employed by the Turkish chancery, bear that of the “well-guarded” city? We do not believe in any such reluctance on his part. Far more are we convinced that he would seize this idea with avidity; in order to secure its execution, all that is required are peace, money, and officers experienced in the art of such constructions. It is for European policy to furnish the latter, to ensure the former to the Porte for a sufficient time, and to point out the means of obtaining the necessary sums. We impose this task upon European policy, because we do not know a state in Europe not interested in preventing the occupation of Constantinople by Russia. And if money has been found to support Greece, why should it be wanting when a real and permanent solution of the Oriental problem is to be effected?

Now we can assert, without any serious fear of contradiction, that the fifth part of the money which in different ways has found its way into Greece, for the support of that country, would suffice and more than suffice to close definitively all access to Constantinople and the Dardanelles against all the disposable force of Russian fleets and armies.

ARTICLE X.

Spanish Tariff. Commercial Treaty between Spain and England.

Cinco Propositiones sobre los grandes males que causa la Ley de Aranceles a la nacion en general, a la Cataluña en particular, y a las mismas fabricas Catalunas ; o sea, Octava Esposicion economica presentada a las Cortes, y a Su M. la Reyna. Par DON PABLO de PEBBER, Autor de la Historia de Hacienda del Sistema Economico, poder y recursos de todo el Imperio Britanico.

(Five Propositions upon the great evils caused by the Law of Tariffs to the nation at large, to Catalonia in particular, and even to the Catalonian manufactures ; or, an Eighth Financial Exposition, presented to the Cortes and to Her Majesty the Queen. By DON PABLO de PEBBER, Author of the History of the Finances, Economic System, Power, and Resources of the whole British Empire.)

IN a former number we considered and fully discussed the pernicious effects of the Russian, Austrian and German tariffs, compared them with those of France and England tariffs, and demonstrated the fatal character of their influence upon the wealth, prosperity and healthful state of the nations that adopted them. In order to complete our task we must now turn our attention to the Spanish tariff.

Assuredly nothing can be more useful to British manufactures and British commerce, nothing more interesting either to our Government—faithful as it has proved itself to the cause of Spain—or to the multitude of English creditors who have risked their property upon the success of that cause, than a correct knowledge of the resources of the Spanish nation, of its revenue and powers of production, and of the impediments and restrictive laws that obstruct the springs of national affluence.

Spain is a country apparently formed by nature as a mighty bulwark to coerce the immense volume of waters with which the Atlantic Ocean and the Mediterranean threaten to inundate Europe. Its surface contains 15,005½ square Spanish leagues, and is traversed by five *sierras*, or chains of moun-

tains, which, besides offering military lines of defence, are as many fountains of wealth. Not only do they teem with abundant mines of every species of metal, and form an infinity of delicious valleys, of rich fair meadows and of extensive plains, but they likewise give birth to 340 streams, omitting the large rivers that sweep and wind through the several plains and valleys in all directions, fertilizing with their copious waters 150,000,000 of *fanegadas** of land of 400 *estadales de Sembradura* of seed, fitted to produce at once the fruits of the north and those of the tropics, yielding the produce of all climates and all regions.

It is computed that a yet greater number of *fanegadas* are occupied by mountains, roads, rivers, &c.; nevertheless, as a classic Spanish writer has well expressed it, there is no part of Spain altogether sterile.

Combined with the most felicitous topographical locality, the most spacious and commodious harbours, and a population of fourteen millions of souls, this country possesses all the appropriate elements of a natural and perpetual alliance with the most mercantile and powerful of nations, to wit, with Great Britain.

It were, in fact, well nigh impossible anywhere to find circumstances more favourable to a solid and durable alliance than in these two countries. A distance between their frontiers that precludes rivalry, a diversity of produce, whence result reciprocal wants, and a necessity for commercial intercourse betwixt them,—a superabundance of natural wealth in the one country, and a deficiency in the other—a scanty population in the Peninsula, with an immense extent of fertile uncultivated land—in England an excess of population, with a soil of which a large proportion is nearly exhausted,—finally, in the latter country, a great superiority of machinery and industry, with an urgent need of increasing the demand for the manufactures thus produced; in the former, inferiority in those points, and urgent need of purchasing manufactures for consumption at the cheapest possible rate. In fact, there is in Spain neither an inch of ground that would not yield

* The Spanish *fanegada* contains 48.33578 *ares metricas*, of which there are about 40.4671 *ares* in the English acre.

fruits suited to the English consumer, nor an agriculturist who can dispense with the work of the English manufacturer for his clothing.

Whence is it then that, despite such grand essential elements for great and reciprocal advantages to be derived from an extensive traffic betwixt these nations, their commercial intercourse, the exchange of their productions, is so reduced, so confined? Most important to both nations are the causes of a phenomenon so rare in political economy. Our author unites to the acumen requisite to disentangle these causes, the very unusual hardihood requisite to publish his opinions to his countrymen, unawed by their prejudices, or by the private interests of individuals, classes, or provinces. He has, whilst demonstrating what the real interest of Spain is, made the correspondent interest of England manifest. He has, in short, in the five propositions of his statement, solved this important problem in the clearest, the most incontrovertible manner. He says :

“ It is because the law of Aranceles is self-destructive and contrary to the agricultural and mining interests, those essential bases of Spanish wealth and power ; because it imposes an unjust yearly tax of nineteen millions of *duros** upon the whole nation, in order to favour an insignificant fraction thereof ; it is because the prohibitive system incites to the violation of the laws, openly encourages smuggling, and injures commerce, the basis of a mercantile marine ; it is because this system diminishes the taxable foundation of financial revenue, depriving the treasury of eight effective millions of *duros* ; in fine, it is because to prohibit iron in bars, or manufactured and cotton goods, for the purpose of favouring the manufactures of Catalonia, is an absurd and chimerical attempt, the object being unattainable.

“ The old and new Aranceles are the efficient causes of the decline of Spain. In them originate her confined trade, her poverty, the penury of her soil, the impossibility of paying her troops, her national and foreign creditors, her want of credit, and her actual condition.”

These are doubtless the considerations that must have been kept in view in negotiating the grand financial combination of which so much has been said,—a commercial treaty between Spain and England, founded upon the admission of English manufactures and produce at a moderate duty, England in return guaranteeing a considerable loan, the dividends of

* The *duro* is a dollar, and worth about four shillings.

which should be paid out of the duties laid upon English manufactures admitted into Spain ; such duties being made payable in Great Britain upon dispatching the goods, and there detained for the punctual discharge of the interest of the guaranteed loan.

A minister who was questioned in the House of Commons by a member of the opposition, relative to the state of our mercantile relations with Spain, answered, " that he hoped a " satisfactory treaty would shortly be concluded."

If the treaty alluded to by the Minister were indeed the one here indicated ; if the bases upon which it rests be those above stated ; and if, as has been publicly asserted, and we fully believe, Mr. Villiers, our minister plenipotentiary at Madrid, has negociated this treaty, he may well boast, without incurring any imputation of vain glory, that never was treaty signed " that offered such immense results, and assured such " great and reciprocal advantages to two nations."

This treaty would enable Spain to resume her proper station in Europe, and would speedily put an end to the civil war, since the treasury would be abundantly furnished with those means upon which depend its termination or prolongation. The dividends now due to her creditors being paid, her credit would be restored, and her ample, her inexhaustible resources being thus multiplied a hundred-fold, the treasury would overflow. The fountains of Spanish wealth would be unobstructed, and the immense national property recently transferred to new hands*, would double and quadruple its produce. The enormous property of the same description not yet transferred, but assigned for the payment of the national debt, domestic and foreign, principal and interest†, would then indeed effect the great object of speedily and en-

* Notwithstanding the civil war, a very considerable sale of national property has been effected ; in the current year it has realized £10,000,000 sterling, an extraordinary sum for Spain !

† By a law which the Cortes has just passed, the whole property of the secular clergy, colleges, cathedrals, &c., a property really enormous, is mortgaged for the payment of the debt. The public creditor, whether Spaniard or foreigner, is entitled to have any estate that suits him valued, and to pay for it in paper, either at once, or, if he wishes for delay, by eight yearly instalments. The holders of Cortes *bonos* are entitled to the same rights and advantages, with respect to such purchases, as holders of national paper.

tirely extinguishing both debts, passing at the same time into more active and productive hands. Agriculture would recover 300,000 hands, now employed in civil hostilities, and commerce would see as many enemies, actually engaged in smuggling, in breaking the laws, and in demoralizing the nation, vanish.

Scarcely less important are the advantages which England would derive from this treaty. The prohibitive systems of Russia and Austria having closed their markets against our manufactures; our cottons and woollens being excluded by the German league and by the vanity and rivalry of France; nay, more, being repulsed by the new tariff even of Portugal*, what other situation of affairs can ever occur in which it could be more incumbent upon Her Majesty's Ministers to find a new market for our industry, to open new channels to our manufactures, our produce? It would be difficult, if not impossible, for any combination of circumstances ever to be either more imperative or more favourable. Whatever were the price, it must be relatively insignificant. Even the most absolute guarantee of a considerable loan might be justified in Parliament. What comparison could there be between such a loan and those granted to the Greeks and to the Russian Government, in their beneficial results to the nation? But in the present case the guarantee becomes merely nominal, resting as it does upon the consumption of our own manufactures; which consumption is infallible, since it actually exists now, in defiance of actual prohibition. The open admission of the goods must necessarily increase the demand for them, must triple its present amount; hence the certainty of the duty, and consequently the security of the interest of the loan in question. No risk can therefore be incurred by giving this guarantee, whilst the advantage of giving a new stimulus to our manufacturing interest is unquestionable.

There can of course be no fear of Tory opposition to an arrangement so beneficial to the nation, and to themselves per-

* Portuguese tariffs of 1810 and 1837 :

	1810.	1837.
Cotton goods, per cwt.	15	28.
Cloths woollen	15	42—69.

Some cotton goods are charged 300 per cent. and upwards.

sonally. Upon other Spanish questions difference of opinion may have existed. If the Tories, from hostility to the Government, have assailed the policy pursued with respect to Don Carlos, and to the unfortunate British Legion, they will assuredly not oppose the Administration upon a transaction calculated, like the one in question, to promote their own interests as well as those of the nation. They cannot but congratulate the ministry upon a treaty which would double the consumption of British manufactures*, and extinguish a debt of £35,000,000 pressing upon 120,000 British subjects. In fine, the Tories themselves would see in this treaty the successful issue of a most important negotiation, to accomplish which their energetic and constant efforts during half a century had proved unavailing. The despotism and ignorance of the successive Spanish Governments have proved more tenaciously enduring than the power of the Tories. Worse indeed than theirs will be the policy of the Whigs if they lose an opportunity so favourable as the present, which mutual interest, reason, and a representative government at the head of the Spanish people combine to produce.

In order to convince our readers of the infinite importance of a treaty of this description, of an œconomic combination, resting upon the bases we have pointed out, it is indispensable to set before them the evils occasioned by the existing tariff to the Spanish people in their agriculture, that essential foundation of their prosperity and of the hopes of their creditors.

That our arguments may be more clearly demonstrative, we will confine ourselves to the evils wrought in this one branch of industry by the prohibition of iron and cotton

* Almost all the goods sent to Gibraltar, Portugal and great part of Italy are consumed in Spain, those points being mere *dépôts*, whence they are smuggled into the country. A lawful trade would double the consumption.

Authentic statement of exports from the United Kingdom, in the years 1827, 1830, 1833, 1834 and 1835, value in sterling money.

Years.	Spain, Portugal and Gibraltar.	Italy and the Islands.	Malta.	Ionian Isles.
1827	2,786,148	1,942,752	200,000	37,196
1830	2,111,216	3,251,372	182,135	56,963
1833	1,923,736	2,398,270	135,438	38,915
1834	2,459,165	3,282,779	242,696	94,498
1835	2,676,078	2,426,171	136,925	107,804

goods, the staple articles of our own country; and no one can better exhibit the pernicious effects of such absurd restrictions than our author, who has developed with so much perspicuity and accuracy the most complicated part of the financial history of the British empire. He says:

“The fertility of Spain would not only insure her prosperity, but promote that of her neighbours and of other parts of the world, which, being less favoured by Heaven, would exchange, to mutual advantage, the produce of their own industry for the raw material of their own manufactures and for the food of their operatives. With all these Spain could profusely supply them.

“Are our Aranceles laws in conformity with these maxims? Are they founded upon them? Are they designed to attain this most important object? They might, on the contrary, be thought expressly devised for the destruction of this object, the achieving an effect diametrically opposed to it, viz. the actual annihilation of agriculture.

“This truth we shall demonstrate. We shall not examine our tariff or enter into its details. We omit the multitude of prohibitions and shackles which indirectly burthen agriculture, the obstacles impeding at every step the circulation of its fruits, their internal sale, their exportation, &c. &c. We wish to confine ourselves to two of the principal prohibitions, to those which directly influence the elements of agricultural production, the very materials, the effective means of checking or promoting it,—the prohibitions of articles that are actually indispensable, the one to the tillage of the earth, the other to the clothing of its occupants, to wit, iron and cotton.

“Iron, a metal more valuable even than gold, because more useful, of which the first discoverer ought to be surnamed the father of agriculture, of the arts and of plenty, is one of the first elements of tillage. Without it in vain would the kindly earth proffer her treasures. The numerous instruments formed of this metal are the *indispensable means of production*, which depends upon their greater or less perfection. The abundance and cheapness or the scarcity and costliness of this element directly influence the price of agricultural produce, advance or retard agriculture, promote or destroy it. These being positive, manifest, incontrovertible truths, how should a country essentially agricultural exist, if its prohibitive tariff exclude ploughshares, hoes, ploughs, shovels, pickaxes, fellies, sickles, harrows, and the like; while it admits free of duty relics, bodies of saints, rosaries, crucifixes and medals? Does it not appear as though these legislators on political œconomy wished to insult the Spaniards, turning conjointly into ridicule political œconomy and the human race?

“But they go yet further. Whilst affecting to protect agriculture; whilst with criminal hypocrisy ever invoking the word protection, all manufactured iron is prohibited, every kind of implement being scrupulously specified*. He who has an idea of the work, of the wants of the

* Iron work for doors and windows, rings, iron pots, and other similar utensils,

agriculturist, of the vast number of the implements of tillage manufactured from this metal, and so necessary to his various operations, will perceive, and may easily calculate the prejudice done to this branch of industry by the absolute and ruinous exclusion of all wrought iron."

The duty upon admitted foreign iron in bars is worse than an absolute prohibition. It would have been better to be frankly obstinate and prohibit openly, than to lay on the exorbitant duty of 70 *reales* the *quintal* (about 15s. 6d. the cwt.), and 65 under the national flag, that is to say, 200 per cent. upon the price of bar iron in England, and 300 per cent. upon that of cast iron.

From what has been stated it is evident that all utensils and implements manufactured in Spain with imported iron must be sold to the labourer at least 200 or 300 per cent. above the price that would be demanded did no such anti-œconomic duty exist. Is not a law that compels the agriculturist to pay more than double the necessary cost for the implements indispensable to agricultural production, one expressly calculated to annihilate agriculture?

And this same legislation, as though to prove the inconsistent character of its own law and the want of all conformity to the simplest principles of political œconomy, even whilst boasting of the favour shown to Spanish iron works, lays ten per cent. upon their produce, without considering that these foundries are destitute of the *principal elements, machinery, mineral coal, capital*, and conjunction of the principal materials *in one and the same spot*, an advantage enjoyed by the British iron works, with which they are on the other hand expected to compete.

The result is that the produce of the Spanish mines and iron works is exorbitantly dear. Biscayan iron cannot be afforded under from 70 to 90 *reales* the *quintal*, and this price is further loaded with the above-mentioned contradictory duty of 10 per cent. It follows that the iron instruments and implements of labour, made with so expensive a material, indigenous though it be, are raised to double and triple the price that they would cost the cultivator under a rational

braziers, candlesticks, stewpans, kettles, chains, great and small stoves, &c. &c. &c. Relics, bodies of saints, rosaries, crucifixes and medals.—*Guia Mercantil*, 1829. (Mercantile Guide for 1829). *Generos prohibidos* (Prohibited goods), p. 85, &c.

and just system. A new and heavy tax is superadded to the many that overwhelm this class, so worthy of a better lot, the worst evil of all being the necessity of purchasing at a much dearer rate very inferior tools, much less adapted to their business than those which they might obtain at a much cheaper rate. The deplorable effect is apparent in the ill-cultivated fields.

If the diminution of agricultural produce resulting from such causes be considerable in France, what must it be in Spain?

The Duc de Rochefoucault says :

“ The quantity of ploughed land in France amounts 22,818,000 *hectares*, every 15 of which require one plough ; this makes the number of ploughs 1,500,000 : estimating the iron used for each plough at 50 kilogrammes, the consumption, wear and tear included, amounts to 75,000,000 of kilogrammes, which, at the rate of 90 francs for every hundred kilogrammes, cost 65,500,000 francs. If we admitted foreign iron, we should pay but 45 francs for 100 kilogrammes, consequently one half only of the above sum. If to this we add the price of the iron used in other agricultural implements and utensils, say not above 7,000,000 francs, we shall have 40,750,000 francs as the sacrifice that our agriculturists are compelled annually to make in favour of the iron-masters.”

Thus enormous is the loss brought upon the French nation by the prohibition of foreign iron, without taking into account the injurious consequences to the arts, means of communication, carriage, circulation, merchandise, &c. &c. The application of this calculation to the agriculture of Spain, with the enormous losses it establishes, is the business of the representatives and of the government of the Spanish people. If the evils thus inflicted on the French agricultural interest, of which the condition is in every respect so superior to ours, are so considerable, what must not be those resulting to the tillage and the peasantry of the Peninsula?

Let us, nevertheless, suppose that Spanish agriculture should lose one half of the estimated French loss ; a supposition which, considering all circumstances, cannot be thought exaggerated. In that case an extraordinary charge of 21,000,000 fr. would press upon the Spanish cultivator ; and this without reckoning the delay and imperfection of his labour, or the diminution of his harvest and of its value.

But this is not all. The great mass of the Spanish nation

are devoted to tillage and grazing, earning their livelihood solely by these occupations, or in connection with and dependence upon the classes so supported. The chief consumption of cotton goods falls consequently amongst these classes, and must in the end influence their produce. Between the price which they are actually obliged to pay for the cottons they wear, whether of national or foreign manufacture, and that at which they could procure them if this description of goods were not prohibited, the difference is enormous.

In the following proposition we shall demonstrate, by the most positive and authentic *data*, that the amount of this difference in price exceeds 14,500,000 *duros* (near £3,000,000) annually. This charge or tax falls indeed upon the whole body of consumers; but since the agricultural class with its dependents forms the larger part, perhaps three fourths of that body, the result must be that this exorbitant tax falls upon agriculture,—upon agriculture already oppressively burthened with the unjust, arbitrary and inhuman impost of tithes which exceed 40 per cent. Can there be a representative government that will allow the addition to so enormous a tax of the burthens we have described,—that will suffer so oppressive a load to weigh down the essential foundation upon which rest the present and future prosperity of Spain?

Still less can England, paying due regard to her own interests and to those of the whole mercantile world, suffer an integral part of Europe, and a part of such value, to annihilate the essential basis of its own national prosperity, thus creating an incapacity of purchasing with its own agricultural produce those goods that are actually indispensable to its existence.

Since the year 1817 a tax of 387,710,000 *duros* has oppressed Spain, the effect of her *Aranceles*. Can she possibly support another of equal amount for a similar period of time, unless these *Aranceles* be reformed?

Will the interest of England, will the claims of English subjects who have intrusted their capital to a nation possessing such copious natural resources, permit Great Britain to behold with indifference the total disappearance of those resources, whilst the means of multiplying them to infinity are at hand?

Meanwhile the Spanish tariffs, constructed in order to prevent the contraband trade, promote that trade, render civil war indigenous, and radically exterminate commerce. This is a subject so deeply important that we must again recur to our author.

“Daily experience and repeated facts prove the impossibility of preventing the introduction of foreign merchandise and manufactures. We have already noted the enormous quantity of them (to the value of £4,000,000) consumed by our nation without paying any duty whatever, and, notwithstanding this, restrictive laws are invoked. The impossibility of guarding the frontiers is admitted: the report of the *Directeur* of the French custom-houses can hardly be unknown, in which it is stated that in a very small portion of the French frontiers, where dogs were employed in smuggling, they introduced, in the single year 1826, upwards of 2,100,000 kilogrammes of contraband wares; many of these animals carrying through, at every trip, goods to the value of 1200 francs.

“In the face of all this our deluded protectors of Catalonian manufactures, our financiers and directors of custom-houses, obstinately insist upon guarding no less than 710 leagues of Spanish coast and frontiers; insist upon preventing the introduction of prohibited goods by multiplying more and more the number of guards and soldiers. The attempt by such means as these to check or intimidate the Spaniard, whose intrepid, sober and independent temper fits him beyond any other denizen of the globe for the adventurous and fatiguing life of the contrabandist, is really to excite him to proceed.

“The better to establish this fact, let us examine into the condition and distribution of the great body of individuals and agents engaged in the illicit trade.

“Numerous parties of Andalusian, Castilian and Estremaduran contrabandists, mounted on the finest horses and well armed, arrogantly encamp with the utmost ostentation, insolence and impudence upon the prolonged borders of Portugal, a frontier extending in length upwards of 190 leagues. There they scour incessantly, visit every *dépôt* for English manufactures established in that kingdom and at Gibraltar; in every direction and upon every point they cross and traverse the principal southern provinces, supplying them almost unobstructed with every description of prohibited goods which the inhabitants want or fancy, or which promises to yield them a handsome profit.

“Unfortunately for Spain, her *douanes* being situated upon the line of the Ebro, and the Basque provinces and Navarre being circumscribed between two hedges of custom-houses, their dense population is compressed, and their inhabitants stimulated to increase a lucrative species of traffic, but which, resembling robbery, sets them at open hostility with the laws, not merely of one nation, but of two different nations. Hence most extraordinary are the exertions requisite to elude enemies, the enforcers of those laws. But what of that? The hardy, active and daring mountaineers

of these provinces climb the precipitous Pyrenees, and laugh at the regiments of French *proposés* as easily as they cross the Ebro, and jeer the indulgent Spanish guards.

"This is a subject which claims the most deliberate reflection, inasmuch as it may furnish a key to, or at least indicate one of the fundamental causes that have not only promoted the civil war now desolating Spain, but that still foster and prolong it. Need it be said how imperceptible is the difference betwixt the contrabandist and the guerrilla? With whom, if not with men inured to the life of the contrabandist, began the war that afflicts us? Who are its supporters but guerrillas? Are not the battalions of the enemy composed of those intrepid, those audacious smugglers who infested the two frontiers, making game of the double line of custom-houses? Who but the smugglers supply them with provisions, ammunition, equipments, horses, and even with artillery? If the disastrous, the fatal prohibitive systems of France and Spain, so contrary to the real interests, both political and financial, of both nations, had not, by their detestable anti-œconomic restrictions, created and trained a contrabandist population, if they did not thus perpetuate a traffic which is first nourished by the potent stimulus of self-interest, and then termed infamous, perhaps the Spanish blood now so unfortunately streaming might not have been shed.

"But if the French Government, acting upon calculations as inhuman as they are mean, chooses rather to fan the flame of civil war in Spain, than to promote the great commercial interests of France; if she prefers fomenting this barbarous and fratricidal war, at a loss of twenty or thirty millions a year, or say 120,000,000 francs in the time it has already lasted, which loss is incurred by the Southern departments of France in consequence of this war, as the learned author of *la Union Mercantil del Mediodia* has clearly shown; in short, if the French government delights in the annihilation of the sources of a noble nation's wealth, which ought, under a wise system of political œconomy, to augment French capital, to pay French industry with usury, to enlarge its operations, and foster the marine and commerce of France, it becomes the business of the representatives of the Spanish people, and of England, to cut off at one blow the root of so many evils; upon them is this tremendous responsibility now thrown. Let them remove the shackles, let them take off or modify the existing duties, and with them will the profits and individual interests of the contraband trade simultaneously fall. If the French government, counteracting the interests of its own subjects, cannot comprehend that in political œconomy 'it is impossible to injure others without the evil recoiling in part upon our own riches,' let the representatives of the Spanish and British nations take a more enlarged view of the subject; let them practise the excellent maxim which teaches that 'The interests of all nations are reciprocal; that our own prosperity is participated by our neighbours, not only without lessening, but actually augmenting our own advantages.'

"But in addition to the direct smuggling carried on at the points and along the frontiers already pointed out, there remains another, the principal and best organized contraband, the contraband by land and sea of Catalonia.

"The Catalans possess a vast number of small vessels, which are incessantly

santly coasting along the shores of the Mediterranean, visiting principally the free ports of Marseilles, Genoa, Leghorn and Trieste. These barks are owned in shares or partnership; and are further endowed with a capital in ready money, always forthcoming, and sufficient to freight them upon the instant; the whole being divided into *Escafo y Colona* as these shares are called, in which not the crew only are interested, but all the commercial agents residing in the free ports above-mentioned, and local *depôts*. It is not easy to conceive the activity, the rapidity and the multiplicity of the operations of so admirable, so well-arranged a system. What a pity that fair and lawful trade should not be the exclusive object of this splendid combination!

"In fact, scarcely have the Catalonian vessels made their point of destination, ere, discharged, reloaded, they sail from the port freighted with contraband wares. The shortness of their voyages, and the passion for gain animating their crews, alone can be compared to the hardihood, the temerity with which they approach the most difficult and dangerous points. The more mountainous the billows, the more terrific the gale, the darker the tempest, the better and more auspicious for effecting their landing and other operations is the weather esteemed.

"Little less daringly intrepid are their comrades on land: ever on the alert, and ready on every accessible point of the coast, they receive the contraband goods as they are thrown ashore, and carry them off in triumph, distributing and circulating them throughout Catalonia. Vainly do the Catalan manufacturers complain and remonstrate; the prohibited articles are all around their manufactories, are sold almost under their eyes. Their conviction that they cannot compete in cheapness with the smuggled wares, and the great profits that they see the smugglers realise, undoubtedly seduce some of these manufacturers, and they lend the stamp of their own manufactories, with which the contraband goods circulate more safely as indigenous, and are sold in the Castiles, &c. Is not the prohibitive law, as the indisputable cause of this immorality, of these unworthy artifices, a direct stimulant and promoter of fraud? Must not the government and the representative legislature, who knowing these results yet endure the continued existence of the laws producing them, be termed in reason fosterers of illicit trade and instigators of fraud?

"The numbers of Spanish contrabandists, of persons and families interested in and dependent upon smuggling in Spain, has been variously computed. They have been estimated as high as a hundred thousand: the most moderate calculation only reduces them to between eighty and ninety thousand. Let us take a *minimum*, say there are but seventy-five thousand such families; even so we have *three hundred and seventy-four thousand individuals* at open war with the government and the laws, glorying in their disobedience, and despising the provisions and decrees of their own representatives.

"With the exact number of agents and other persons employed by government against these contrabandist legions we are unacquainted; but we know that there is a pretty considerable army of guards, an army of men not only unproductive, but destructive; of men maintained by go-

vernment to imprison and annihilate those of their countrymen who violate the law; paid to enforce the execution of impossible laws. To what reflections does not a society in such a state of hostility give birth! A nation, whose fiscal laws directly provoke civil war, and render it indigenuous! The consequences of such a state of internal war, its necessarily annihilating effect upon the public wealth, its resources and fountains, we leave to the meditation of the representatives of the Spanish people; yet may we ask how commerce can exist in a country where its enemies are so numerous?

“Assuredly the most formidable, the most implacable foe to commerce is smuggling; the existence of the one is incompatible with that of the other. If government (whatever be the reason or error) favour the one, it unavoidably injures the other. If laws dictated by the desire of exterminating the contraband trade are found to promote it, this becomes identical in effect with desiring to destroy its rival; there neither is nor can be another alternative. It is impossible that the honourable merchant should compete with the smuggler. The only option left him by the prohibitive system is, either to abandon his occupation, or to become a contrabandist. If he project a commercial operation, his only mode of accomplishing his object is to copy the immoral proceeding of the Catalonian manufacturer, and pay the premium demanded by the companies that publicly undertake to introduce prohibited merchandise. If he do not—let us for once speak out boldly,—he must perforce pay and support those who know how to do so. This is the most lamentable condition into which the trade of a nation can fall; and thus do our prohibitive *Aranceles* destroy the very foundation of genuine commerce.”

What trade can a nation like ours carry on with a country which, in lieu of merchants, has three hundred thousand armed outlaws, constantly battling against as many unproductive guards? How should we increase the consumption of our manufactures in a land where the restrictive code generates such swarms of useless or destructive beings?

It has nevertheless been asserted, and is still repeated, that the great obstacle to the measure embracing a repeal of the *Aranceles*, and a commercial treaty with England, is found in the protection required by the cotton manufactures of Catalonia, and in the intrigues and erroneous policy of France. The question is one of such superlative importance, not only to Spain but to France herself, and to every mercantile country in the world, more especially to England, that the elucidation of the subject becomes indispensable.

Señor de Pebrer has expounded the first part of this objection with the utmost perspicuity as follows.

“The object of the law of *Aranceles*, namely to protect the manufac-

tures of Catalonia by excluding foreign cotton goods, is an unattainable and altogether chimerical object. It is an anti-œconomic measure, contrary to the general interest of the nation, to the provincial interest of Catalonia, and to the individual interest of the manufacturers themselves."

Our author demonstrates this proposition in all its parts in the most irresistibly convincing manner, and we regret the impossibility of giving his argument entire. We can select only a few detached passages.

"It is a fact," says Don Pablo, "that the manufactories of Catalonia add to their excessively reduced number the fatal misfortune of being destitute of the two most essential elements, mineral coal and machinery. These elements they receive from England, the very country whose powers of cheap production they must emulate in order to compete with her. They are likewise deficient in the raw material to be manufactured, cotton; which, whether from the very little trade carried on with the United States or other causes, they cannot procure except at an infinitely higher price than the English; in point of fact, they get their cotton from Liverpool and other British ports. As a further disadvantage, (as though to demonstrate the extravagance of anti-œconomical absurdity attainable in fiscal legislation,) even whilst these manufactures are professedly protected, their raw material is loaded with a duty of thirty-three reales per quintal, if we are not mistaken."

"Of the French capital engaged in these manufactories, we will only say that it is very considerable compared to the insignificant Catalonian capital. The French steam-engines amounted in 1834 to 950 (See *Annuaire de 1834*), equal to 14,000 horse power; besides ninety-five other establishments with a further steam power equal to 3500 horses."

"And even this is insignificant: all this power appears but as the tiniest miniature when compared with the immense number of power looms, that is to say, of looms worked by steam without need of hands, the number of which, according to the last report of the commission on manufactures of Great Britain, amounts to 116,801*."

"But desiring, for the sake of more irrefragable proof, to adhere to positive data concerning the magnitude of this manufacture, we are under the necessity of referring our readers to section 1, part iii. of our work upon the British Empire. We have there calculated the value of this extraordinary manufacture according to authentic data, facts and documents; which value, computations and estimates having been unanimously adopted by the English political œconomists, must needs satisfy the doubts of the most sceptical in such matters. It will there be seen that the capital engaged in this manufacture amounts at this day to 78,000,000 of pounds sterling, or 390,000,000 *duros*; that the number of men employed exceeds 1,300,000; that the power of the whole machinery is equivalent to the labour of 84,000,000 of operatives, manufacturing 800,000 bales of cotton

* Parliamentary Reports.

in the year; that the total amount of produce is immense, since, besides supplying the enormous consumption of Great Britain, the exportation of cotton goods in the last year (1836) amounted in value to £25,019,619 sterling, or upwards of 125,000,000 of *duros*; that all the nations of the earth, including India, which formerly furnished Europe with such articles, have been supplanted, excluded from their own markets, having received and annually receiving from England to the value of £2,000,000*; that even China, obstinate China, so impervious to communication, so pertinaciously exclusive of the produce and manufactures of other countries, has been compelled to give way and open her ports to cheapness, becoming one of the powers tributary to this manufacture, and tributary to a very large amount. We must not conceal, *we must on the contrary call the attention* of our readers to one circumstance, the most important of all. The advantage especially characterizing the manufactories of England, an advantage in which she perhaps surpasses all countries on the face of the globe, is, that far from needing the fuel of other countries, or even being obliged to carry her own great distances at a heavy expense, England gathers this invaluable element upon the very spot, and if we may be allowed the expression, establishes her manufactures and works her power looms upon her coal-mines, the extraordinary produce of which amounted in the last year to 32,000,000 tons.

“ These data, these extraordinary advantages being established, what probability of approximation exists for our manufactures? If the cotton manufactures of nations much more advanced than our Catalonia, those of Belgium, Switzerland, and above all the infinitely superior manufactures of France, find it necessary to modify the duties upon divers cotton articles; if the distance between the two nations be in this respect so immense; what *reasonable probability* is there that we should see the time when the cotton manufactures of this province can supply the national demand?

“ If France with far greater means, with a militarily organized douane, cannot prevent the introduction of an enormous quantity of these manufactures; if the Spanish Government, if the very province of Catalonia, cannot protect its own frontier so as to prevent the introduction of French cottons, although of inferior quality and dearer; how should the widely extended circumference of the Peninsula be guarded against the introduction of English goods? But a question yet more deserving consideration is, if these English manufactures be daily advancing, even above their present state of high perfection, how should the Catalonian manufactures ever hope to overtake them? Reason, facts, experience of the daily consumption of these nominally *excluded goods* prove the object of the laws to be unattainable; they prove it to be an *absolutely chimerical design* so to foster the manufactures of Catalonia with prohibitions as to effect their approximation to those of England, for the purpose of supplying the national demand; for in sober truth, how many ages must pass ere such an approximation becomes a rational probability? And during the period that must

* Parliamentary Papers.

precede this fortunate epoch, can it be for the general interest of the nation to bear a yearly charge of 19,336,000 *duros*, which the second proposition has shown to be now borne? Can it be for the interest of administration, or the convenience of the treasury, in meeting necessary, indispensable expenses, to lose the 8,400,000 *duros* that would be received if the foreign goods now consumed without paying any duty were admitted paying a moderate duty? Certainly not. It would be impossible to devise a measure more contrary to the general interest, more atrociously unjust to Catalonia in particular. Why should a million and a half of Catalans pay their proportion of this enormous burthen for the benefit of a very small number of compatriot manufacturers? Why should the mass of the Catalonian population pay fifty per cent. more for their clothing than, but for this most unjust partiality, they would need to disburse? But if this be so contrary to justice and the interest of Catalonia, it is still more so to the principles of sound political economy, which enjoin that false incentives should never be held out, that capital should never be diverted or allured from its course, but suffered to flow in its most natural and productive channels. Why then should the legislators of Spain take upon themselves to impel part of the national capital into channels yielding scarcely any produce? why tempt the Catalans with gains altogether illusory and founded upon the most fallacious prospect of prohibitions? why should the Catalonian capital be forced—be the expression allowed—into a manufacture which, besides causing such burthens and evils, can offer no ultimate result except immense losses?

“We appeal to the manufacturers themselves to contradict, if they can, the facts here stated. Let them say whether the history of the Catalonian manufactures rest not upon them; whether the recent most melancholy occurrences in the manufactory of the S. Bonaplata and Rull, which had cost such labour, absorbed so enormous a capital, occasioned such expenditure in contracts with practical men, the machinery for which had been brought piece by piece from England with such exertions, such indefatigable constancy, do not establish our position, with the data and reasoning here stated?”

From these passages it is equally evident that the Catalonian manufactures are not the great, the insuperable obstacle to the reform of the *Aranceles* in conjunction with the execution of the commercial treaty alluded to; that it is rather a crafty policy that inflames the passions and prejudices of the Catalans in order to obstruct this great operation; and that intrigue and malignity, venturing yet further, seek to frighten the multitude and alarm the Spanish Government with fantastic apprehensions of Catalonia's separating from the monarchy, if measures so vitally essential to the national interest should be adopted.

Be it observed that in order to effect so chimerical a scheme

one of two things is indispensable: Catalonia must become either part of France, or an independent State, or republic. Neither England nor Europe would ever tolerate the first, and by the second course the very object of the threatened separation would be foiled; since, supposing even the impossible case that Spain should allow one of her provinces to become independent, she would of course forthwith open her ports to the cheaper and better manufactures of other nations, and the Catalans would remain without purchasers for theirs.

We have pointed out these truths in order completely to eradicate a fallacious idea unceasingly inculcated by the daily press and by ill-intentioned or ignorant writers, which may produce disastrous consequences, though it never will lead to the result aimed at by policy most erroneous and disorganizing in its nature.

It is time that a double operation, alike beneficial to all interests, should be completed. Whether, as we understand, the contract for the loan de Aguado of ten millions sterling formed part of this commercial treaty, and the conditions and causes were such as the Spanish Government could not or would not admit, or, as has been said, the whole were an intrigue to obstruct Spain in the use of her own resources, to promote the triumph of a faction, to annul and prevent the conclusion of an important treaty with England, it is the imperative duty of the English Government to put an end to such manœuvres. The treaty agreed to by their plenipotentiary must be carried into effect. Heavy will be the responsibility that the English ministry will incur in the eyes of liberal Europe and of the British people, if they suffer such a treaty to fall to the ground! If necessary, let the English guarantee be substituted for the Aguado contract. The operation will be the more noble, the more productive, the more worthy of the British Government. It has already been abundantly proved that the guarantee can be only nominal, can in short expose the English nation to no pecuniary risk. Parliament cannot censure it. But even supposing it were more than nominal, the great interests of our trade and manufactures, the claims of our fellow subjects to so considerable a debt, the interests (well understood,) of France, the termination of a barbarous civil war, the future prosperity of Spain, the

advantage and policy of Europe, which cannot suffer a noble nation such as the Spanish to disappear from the map of the world through the actual annihilation of the country's ample resources ; all these great objects, all these combined interests, imperiously command the English ministry to shake off a disgraceful apathy, to decide, terminate and promptly conclude this grand operation and most important commercial treaty.

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END OF THE FIFTH VOLUME.

LONDON:

PRINTED BY RICHARD AND JOHN E. TAYLOR, RED LION COURT, FLEET STREET.





